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Committee on Immigration Naturalization

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COMMUNIST AND ANARCHIST DEPORTATION CASES

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

APRIL 21 TO 24, 1920

STATEMENT OF W. A. BLACKWOOD

Decision of Secretary of Labor in Case of—

ENGLEBERT PREIS

Decisions of Assistant Secretary of Labor in Cases of—

W. T. COLYER

WILLIAM MARTIN JURGANS

GEORGE BLINIC

THOMAS TRUSS

ENRIQUE MAGON

SAM CRANE

JOHN BOCAS

GEORGE KOST

JOHN DUDINSKY

GUS KULMAN

PAUL BOSCO

ALEX SNELLENBERG

AND OTHERS

Digest of Cases Deported on U. S. Transport "Buford"

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

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JUL 22 1920

INDEX.

[NOTE.—This index is intended as a rough guide to contents of these hearings. Letters and memoranda of Mr. Post, Assistant Secretary of Labor; Mr. Caminetti, commissioner general of immigration; Mr. Hoover, special assistant to the attorney general, as well as reports of inspectors and agents appear too frequently to be indexed in detail.—CLERK.]

	Page.
ANARCHIST—	
Definition of word by Assistant Secretary of Labor in connection with cancellation of warrant in Magon case	120
Philosophical, statement covering decision of Judge Aldrich with relation thereto in so-called "Boston anarchist cases"	132
ARTIMOWSKY, V., AND 38 OTHERS.	
Statement in connection with	58
BARTINCHUK, PAULO.	
Case of	67
BABIAZ, MICHAEL.	
Case of	71
BAYLY, DAVID.	
Case of	73
BLACKWOOD, W. A.	
Opening statement of	3
BLINIC, GEORGE.	
Case of	6
BOCOS, JOHN.	
Case of	21
BONDS OF ALIENS.	
Provisions of section 20 of act of February 5, 1917, relating to	78
Letter of Assistant Commissioner Byron H. Uhl concerning	78
Statement concerning amount of, in various cases	79
BOSCO, PAUL.	
Case of	87
BUISSSES, CHARLES.	
Statement in connection with case of	40
BUSHKOFF, GABRIEL.	
Case of	53
COLYER, W. T.	
Order of deportation in case of	5
CRANE, SAM.	
Case of	137
DETROIT (MICH.) CASES.	
Telegrams with relation to	76
DUDINSKY, JOHN.	
Case of	26
ENGLE, JOHN.	
Case of	51
FILIPOVICH, MATT.	
Case of	68
FINAL DECISIONS.	
Correspondence with relation to speeding up, and cases of Blamar, Yum- plot, Bordar, and Makohon in connection with	46-51
GAURELLO, ALBERT.	
Case of	133
HARNIN, STANLEY.	
Case of	31
HARTFORD, CONN.	
Communist cases at	59
HOME COLONY, LAKE BAY, WASH.	
Report in Bureau of Immigration concerning	105
JOHN JOHNSON.	
Case of	62
JURGANS, WILLIAM MARTIN.	
Order of deportation in case of	6

KLIMOVICH, VASIL.	Page.
Statement in connection with case of.....	39
KOSHEL, L.	
Case of.....	54
KOST, GEORGE.	
Case of.....	25
KULMAN, GUS.	
Case of.....	57
KUZNECK, OSIP, AND MUSEK, PETER.	
Cases of.....	55
LACZYNSKI, ALEXANDER.	
Case of.....	85
LASSEFF, A., ET AL.	
Memorandum of Assistant Secretary of Labor in connection with cases of..	136
MAY, A. ERNEST.	
Statement concerning deportation to Canada, and ordered returned to United States.....	135
MAGON, ENRIQUE FLORES.	
Case of.....	104
NOVOSAD, FRANK A.	
Case of.....	80
ODROBINA, FRANK.	
Case of.....	36
PANEPINTO, ANTONIO.	
Statement of Assistant Secretary of Labor in connection with case of.....	36
PHOTOGRAPHS OF ALIENS ORDERED DEPORTED.	
Failure to photograph those deported on Buford.....	80
PLACES OF DEPORTATION.	
Correspondence with relation to.....	75
POLIKIEWICZ.	
Case of.....	74
PROCEDURE IN DEPORTATION CASES.	
Change of rule 22 with relation to.....	41-45
RIGHTS OF ALIENS.	
Letter of Assistant Secretary of Labor with relation to.....	77
ROMANUK, CHRISTANT.	
Case of.....	70
SKLAROFF, SAMUEL.	
Case of.....	82
SNELLENBERG, ALEX.	
Case of.....	121
TRUSS, THOMAS.	
Case of.....	9
VAILE, HON. WILLIAM N.	
Statement, in connection with case of Thomas Truss, in relation to constitution of Communist Party.....	18
WEINBERGER, HARRY.	
Letter of, to Bureau of Immigration, in case of Paul Bosco.....	99
WILSON, HON. W. B.	
Decision of, as to deportation of alien members of Communist Party (Preis case).....	1
WIRTH, LOUIS.	
Case of.....	33
ZOBEK, WILLIAM.	
Case of.....	37

APPENDIX A.

Anarchist cases in which Assistant Secretary ordered stay of execution. List of.	142
Cases of aliens arrested for violation of act of Oct. 16, 1918—Warrants canceled, aliens released.....	143
Miscellaneous cases.....	145
Cancellation of warrants by Assistant Secretary of Labor in cases where field officers at Bureau of Immigration have recommended deportation.....	144

APPENDIX B.

Deportations on U. S. transport <i>Buford</i> . Digest of charges upon which aliens were deported thereon.....	148
Russian Workers' Union, excerpts from.....	149
Section of act under which Alexander Berkman and Emma Goldman were deported.....	158

COMMUNIST AND ANARCHIST DEPORTATION CASES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Wednesday, April 21, 1920.

A subcommittee, called by Chairman Johnson, met at 7.30 p. m. and continued its sessions at intervals until Saturday, evening April 24.

The CHAIRMAN. As a result of the examination in the Department of Labor of papers pertaining to deportation cases, so far as such examination to date has been conducted by Mr. Blackwood and his assistants in behalf of this committee, copies of a number of the papers are ready for presentation to the committee.

With reference to the organizations known as the Communist Party, the Communist Labor Party, the Union of Russian Workers, and the Industrial Workers of the World, and membership therein with relation to the act of October 16, 1918, attention is invited to the following data:

First, as to the Communist Party and the Union of Russian Workers—the Communist Labor Party and the I. W. W. will be touched on later—the question as to whether or not membership in these two organizations brought aliens within the act before mentioned was, after careful consideration, decided by the Secretary of Labor in connection with the case of Englebert Preis (Bureau of Immigration file No. 54709/495), the Secretary at that time handing down a written opinion which was intended for use by his assistants and the Bureau of Immigration as a guide in passing on and deciding cases of a similar nature that might from time to time arise. The written opinion of the Secretary reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 24, 1920.

Memorandum for the Commissioner General.
In re Englebert Preis.

Age, 31; native of Austria; entered the United States at Port Huron, Mich., on November 13, 1915, having arrived in Quebec by steamship *Scotan*, June 14, 1914. This is a case arising under the provisions of the act of October 16, 1918.

It is alleged that the alien is a member of the Communist Party of America, which is affiliated with the Communist International. The alien admits membership in the Communist Party of America, and that it is affiliated with the Communist International. The sole question, therefore, to be determined by the Secretary of Labor is: Is the Communist Party of America such an organization as is described in the act of October 16, 1918, membership in which makes an alien liable to deportation. The language of the act applicable to this particular case is as follows:

"SECTION 1. * * * Aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States. * * *

"SEC. 2. * * * Shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February fifth, nineteen hundred and seventeen."

It will be observed that belief in, teaching, or advocating the overthrow of the Government of the United States is not alone sufficient to bring any organization within the scope of the act. There must in addition be a belief in, teaching, or advocacy of force or violence to accomplish the purpose. Bearing that in mind we may proceed to an examination of the facts.

The manifesto and program and constitution of the Communist Party of America and the manifesto of the Communist International are submitted in evidence and their authenticity admitted. The constitution of the Communist Party (see p. 19 of the manifesto) requires that:

"SEC. 2. Applicants for membership shall sign an application card reading as follows:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work."

An examination of the documents submitted clearly demonstrates the fact that it is the purpose of the Communist Party to overthrow the Government of the United States. There are many statements that might be quoted showing that purpose. The two following are typical. On page 9 of the manifesto and program the statement is made:

"Communism does not propose to 'capture' the bourgeoisie parliamentary state, but to conquer and destroy it."

And again on the same page:

"The proletarian class struggle is essentially a political struggle. * * * The objective is the conquest by the proletariat of the power of the state."

Many other statements of similar purport are to be found in the same document. After having found that it is the purpose of the Communist Party to conquer and destroy the Government of the United States the next point of inquiry is as to how the conquest is to take place.

It is apparent that the Communist Party does not seek to attain its objective through the parliamentary machinery of this Government, established by, and operated under, the Constitution. That is made sufficiently clear by the following excerpt from page 15 of the manifesto referred to:

"(b) Participation in parliamentary campaigns, which in the general struggle of the proletariat is of secondary importance, is for the purpose of revolutionary propaganda only."

And again from pages 9 and 10 of the same document:

"In those countries where the conditions for a workers' revolution are not yet ripe, the same process will go on. The use of parliamentarism, however, is only of secondary importance."

And further on page 10:

"The parliamentarism of the Communist Party performs a service in mobilizing the proletariat against capitalism, emphasizing the political character of the class struggle."

The parliamentary processes established by our Government are to be discharged or used for propaganda purposes only and other means adopted for overthrowing the Government of the United States. These means are stated at considerable length and frequently reiterated, seemingly for purposes of emphasis. The conquest of the power of the state is to be accomplished by the mass power of the proletariat.

Strikes are to be broadened and deepened, making them general and militant, and efforts made to develop their revolutionary implications. The strike is to be used not simply as a means to secure redress of economic wrongs, but as a means through which the Government may be conquered and destroyed. A few excerpts from the Communist Party and Communist International manifestos will make these statements evident.

Thus on page 10 of the manifesto and program of the Communist Party of America is the following:

"The conquest of the power of the state is accomplished by the mass power of the proletariat. Political mass strikes are a vital factor in developing this mass power, preparing the working class for the conquest of capitalism. The power of the proletariat lies fundamentally in its control of the industrial process. The mobilizing of this control against capitalism means the initial form of the revolutionary mass action that will conquer the power of the state."

And again on page 11 of the same document:

"Mass action is industrial in its origin, but it acquires political character as it develops fuller forms. Mass action, in the form of general political strikes and demonstrations, unites the energy and forces of the proletariat, brings proletarian mass pressure upon the bourgeois state. The more general and conscious mass action becomes, the

more it antagonizes the bourgeois state, the more it becomes political mass action. Mass action is responsible to life itself, the form of aggressive proletarian struggle under imperialism. Out of this struggle develops revolutionary mass action, the means for the proletarian conquest of power."

And further on page 12, the same document:

"Strikes of protest develop into general political strikes and then into revolutionary mass action for the conquest of the power of the state. Mass action becomes political in purpose while extraparlimentary in form; it is equally a process of revolution and the revolution itself in operation."

Then on page 16:

"The Communist Party shall participate in mass strikes, not only to achieve the immediate purpose of the strike, but to develop the revolutionary implications of the mass strike."

And then, making the purpose still more clear, we have the following from page 30 of the manifesto of the Communist International, with which the Communist Party of America is affiliated and whose manifesto is accepted as part of the policy of the party:

"The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical resultant direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance."

From these quotations and numerous other statements in the manifesto, not here quoted, it is apparent that the Communist Party of America is not merely a political party seeking the control of affairs of state, but a revolutionary party seeking to conquer and destroy the state in open combat. And the only conclusion is that the Communist Party in America is an organization that believes in, teaches, and advocates the overthrow by force or violence of the Government of the United States.

It does not devolve upon the Secretary of Labor officially to determine whether Congress was wise in creating the law, or the Communist Party wise in creating the facts. It is his duty to apply the law to the facts as he finds them. It is mandatory upon him to take into custody aliens who are members of this organization and deport them in the manner provided for in the immigration act of February 5, 1917.

Your memorandum of January 17, 1920, recommending that the department issue its warrant for the deportation of Englebrert Preis, such deportation to be to Austria, at Government expense, is hereby approved.

W. B. WILSON, *Secretary.*

The CHAIRMAN. The members of the committee are familiar with this decision by Secretary Wilson in regard to members of the Communist Party; the committee is familiar also with the fact that Messrs. W. A. Blackwood and Thomas M. Fisher were designated to examine papers in the cases of aliens taken into custody for deportation and to make an impartial report thereon. They were instructed to make a report not only upon the substance of the evidence in deportation cases but also inform the committee concerning the methods of handling those cases in the Department of Labor and the Bureau of Immigration.

We will now hear Mr. Blackwood.

Mr. BLACKWOOD. In view of the foregoing opinion or decision of the Secretary of Labor, which the chairman referred to, it would seem that alien members of the Communist Party were subject to deportation under the act before mentioned. It would further seem that the only evidence necessary to obtain said deportation would be proof of alienage and membership in the Communist Party.

Believing therefore that the question was settled once and for all, additional number of aliens whom it was believed belonged to the Communist Party were taken into custody and warrants of arrest on a deportation proceeding obtained. Hearings were accorded as rapidly as possible under existing circumstances. However, a lack of

clerical force and competent interpreters delayed these hearings to some extent. Additional delay was caused by attorneys appearing in behalf of the arrested aliens and also by the lack of a sufficient reviewing force in the Bureau of Immigration.

Something like 3,000 aliens were taken into custody on warrants of arrest, and it naturally followed that in some instances the aliens so arrested were later shown not to be connected with the party in question. These were released as early as possible, and as a matter of fact composed a very small per cent of the number arrested.

In order that the data which follows may be better understood, a brief idea of procedure in a deportation case is herewith set forth.

On a prima facie showing a warrant of arrest is issued by the Secretary of Labor or the Acting Secretary, or in his absence the Assistant Secretary. Whenever the circumstances will permit a formal application for a warrant of arrest is made by the field officer setting forth the facts showing probable cause for the alien's deportation. In cases where the circumstances will not permit, a telegraphic request for a warrant is made, it being understood that in the opinion of the officer making the application for the warrant he had sufficient facts at hand to justify his action. He is also required, at the time he makes the telegraphic request or application, to forward by mail to the department, through the bureau, a formal application for a warrant, setting forth therein the facts at hand to show probable cause. These facts are not touched on in his telegraphic application, that merely giving the name of the alien, and the grounds on which the warrant is requested, that is, the particular charge on which the alien is alleged to be in the United States in violation of law.

After receiving the application of the field officer, the Secretary, the Acting Secretary, or the Assistant Secretary issues a warrant of arrest, which is forwarded to the field officer, who then proceeds to give the alien a hearing on said warrant, a written record being made of the entire proceeding. That written record is sent to the Bureau of Immigration when completed. The bureau then, through its law examiners, reviews the record and prepares a memorandum of all salient points, together with a recommendation, which is submitted to the Commissioner General of Immigration, who after a review, if the summary and recommendation meet with his approval, signs same and the complete record of hearing, together with the memorandum and recommendation (which is commonly called a bureau "memo"), is transmitted to the department for the action of the officer in charge, whose decision is supposed to be final.

The foregoing was the procedure followed in handling the so-called "communist cases." When the cases first started to arrive at the department for final action, the department was in charge of the Acting Secretary, and the bureau, following its usual procedure, left a place at the bottom of its memorandum for the signature of the Acting Secretary, over his title, which also bore the word "approved" or "cancel" as the case might be, according to the recommendation of the Commissioner General as based on the review of the evidence adduced in the case. In practically all of the cases submitted while the Acting Secretary was in charge he agreed with the bureau's recommendation and signed accordingly. It is of

interest to note in the light of what followed that in nearly every instance he ordered the alien deported on the ground that he was a member of the before-mentioned party.

The Acting Secretary, however, was called away shortly after, about March 6, 1920, and the Assistant Secretary then became the officer to make the decisions in the cases. One of his first acts was to issue instructions to change the form of the bureau memoranda by striking out the word "approved" and substituting the word "deport" whenever the bureau recommendation was to the effect that the charge against the alien was sustained. Just what his idea was in this is, of course, problematical, but, in the light of what followed, the natural conclusion is that, even if he was obliged to order an alien deported under the decision which had been handed down by the Secretary as a guidance, he did not care to be put on record as approving said action.

That he was in duty bound by the decision of the Secretary, hereinbefore set forth, there is no question, and at times he himself must have so considered. This is shown in a memorandum decision handed down by him March 19, 1920, in the case of W. T. Colyer (Bureau file No. 54810/209), wherein he says: "The task of making that decision does not fall on me, the Secretary of Labor in person having already made it." The complete decision in this case reads as follows:

MARCH 19, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: W. T. Colyer (alleged communist), No. 54810/209.

There is no evidence in this case which brings the alien within the deportation provisions of the act of Congress of October 16, 1918, or any other immigrant exclusion or expulsion law, except the evidence that he is a member of the Communist Party. This membership is frankly admitted by the alien.

Therefore, the only question for the Secretary of Labor to decide is whether or not the Communist Party is an organization, within the meaning of sections 1 and 2 of the act of October 16, 1918, "that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law; or that entertains or teaches disbelief in or opposition to all organized government; or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character; or that advocates or teaches the unlawful destruction of property."

The task of making that decision does not fall upon me, the Secretary of Labor in person having already made it in a case which is identical in the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The Secretary's decision, by which I am bound and with which I agree, was set out in a memorandum in the case of Preis (No. 54709/495). A copy is hereto attached.

Upon that interpretation of the Communist Party documents and the fact hereby found that the alien in the present case is a member of the same Communist Party, and upon that fact and that interpretation alone, it is hereby directed that the alien be deported.

To enable the alien to conserve any rights he may have under the law in consequence of this administrative decision, let all proceedings be suspended for 30 days. Meanwhile, transmit a copy of this memorandum for his information to the alien's counsel, Morris Katzeff, Esq., 736 Old South Building, Boston, Mass.

LOUIS F. POST,
Assistant Secretary

A similar decision was handed down by the Assistant Secretary on March 18, 1920, in the case of William Martin Jurgans, Bureau file No. 54681/149. This decision reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 18, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: William Martin Jurgans (No. 54861/149).

There is no evidence in this case which brings the alien within the deportation provisions of the act of Congress of October 16, 1918, or any other immigration exclusion or expulsion law, except the proof that he is a member of the Communist Party. But this membership is not only proved; it is admitted by the alien, and the conclusiveness of the proof is conceded by his counsel.

Therefore the only question for the Secretary of Labor to decide is whether or not the Communist Party is an organization within the meaning of sections 1 and 2 of the act of October 16, 1918, "that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property." The proof tending to give this unlawful character to the Communist Party is wholly documentary. It consists of Exhibits 1, 2, 3, 4, 5, 6, 7, and 8, which appear in this file as having been introduced in evidence at the hearing had pursuant to the warrant of arrest. The question therefore resolves itself into one of interpreting those documents with reference to the act of 1918.

The task of making that interpretation does not fall upon me, the Secretary of Labor, in person having already made it in a case which resembles this one in the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The secretary's interpretation, by which I am bound and with which I agree, was set out in a memorandum in the case of Preis (No. 54709/495). A copy is hereto attached.

Upon that interpretation of the Communist Party documents and the fact is hereby found that the alien in the present case is a member of the same Communist Party, and upon that fact and that interpretation alone, it is hereby directed that the alien be deported.

To enable the alien to conserve any rights he may have under the law in consequence of this administrative decision, let all proceedings be suspended for 30 days. Meanwhile, transmit a copy of this memorandum for his information to the alien's counsel, Arthur Le Sueur, Esq., 917-918 Pioneer Building, St. Paul, Minn.

LOUIS F. POST,
Assistant Secretary.

CASE OF GEORGE BLINIC.

That he changed his mind with reference to the "task of making the decision" not falling on him is shown in the case of George Blinic, bureau file No. 54811/993, wherein the Assistant Secretary undertook "the task" of interpreting what Congress had in mind when it used the word "member" in connection with the act of October 16, 1918. In order that a full understanding of this case may be obtained, the summary and recommendation of the Commissioner General of Immigration, prepared after a careful review of all evidence adduced, is quoted in full as well as the memoranda decision of the Assistant Secretary. The Commissioner General's memorandum and the decision of the Assistant Secretary read as follows:

Memorandum for the Assistant Secretary.

APRIL 1, 1920.

In re George Blinic, or Blainic, Austrian, native of Croatia; age, 36; wife in East St. Louis.

This alien was arrested on the department's warrant of January 7, issued upon the basis of a telegraphic application from the inspector in charge at St. Louis. This

application, in turn, was based upon prima facie evidence obtained pursuant to the establishment regulations of the department, by a preliminary questioning of the alien, under oath, by a duly sworn inspector of the Immigration Service. During the course of this sworn testimony the alien stated that he is a member of the Communist Party of America; that he joined it because "several fellows came there and talked to me and explained everything about it."

At the hearing accorded the alien under the terms of his warrant, at which hearing he was represented by Attorney Charles A. Karch, he repeated, in substance, the testimony given by him at the hearing accorded him prior to the issuance of the warrant, in so far as related to his membership in the Communist Party of America. The testimony given during the course of this hearing would further indicate the alien was first a member of the South Yugo-Slav International Socialist Party, which amalgamated with the Communist Party of America, apparently in the month of October, 1919. The minutes of the organization show that the alien was present at the meeting when it was decided to take out a charter and become a part of the Communist Party of America. It is also shown that the charter given the local organization by the Communist Party of America was displayed on the walls of the meeting place of said local. Notwithstanding some testimony to the contrary, it is entirely obvious that alien had knowledge of the change in the organization to which he professes he belonged and knew that he was a full-fledged member of the Communist Party.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership in, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations and circumstances occurring anterior to such arrest can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

That alien is a member of the Communist Party of America is indisputably established on the record and conceded by counsel in his brief. Counsel raises the question, however, whether or not alien consciously became a member of this organization, or really appreciated that he was a member of it up to the time of his arrest. The alien's testimony in this respect speaks for itself, and shows that when he gave his preliminary testimony before the examining inspector, this previous to his arrest in deportation proceedings, he knew that he was a member of this party. Judging from the equivocal nature of the testimony as then given by him, he must also have had some idea that this was not a proper organization for anyone committed to American ideals to belong to.

The act of October 16, 1918 (with which act we are here concerned), provides as follows:

"That aliens * * * who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States, or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government * * * shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this act irrespective of the time of their entry into the United States."

There is no need for speculating as to what Congress meant when it enacted the legislation above referred to. Its intentions are written in the act in plain, unambiguous language, susceptible of but one interpretation; that is, the mere membership in an organization of the character proscribed by the act shall render deportation mandatory. This act Congress has committed to the Secretary of Labor for enforcement, and nowhere in its context can there be found a passage which even remotely suggests it intended that in cases of proven membership in such an organization the Secretary should be put to the task of inquiring as to the state of mind of the individual at the time he lent strength to the organization by becoming a member, or what his attitude of mind, as an individual, toward the Government of the United States may have been at the time of his arrest. Congress having failed to write into the statute such a proviso, it would be manifestly improper administratively, it seems to the bureau, to attempt to import therein such a provision; in fact, to do so would be so supersede the laws enacted by Congress with administrative legislation.

The alien admits, and the evidence submitted and adduced establishes, that he is a member in good standing of the Communist Party of America, an organization which the Secretary of Labor has held to be one which entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United

States. It accordingly follows that he is subject to deportation under the act of October 16, 1918, and the bureau recommends that the department issue its warrant to that end, deportation to be accomplished at Government expense. Pending such time as the deportation warrant can be executed, alien should be permitted to remain at large on the bond which he has furnished.

A. CAMINETTI,
Commissioner General.

Deport: _____

Assistant Secretary.

(NOTE.—Unsigned by Assistant Secretary.)

(Letter of attorney to Assistant Secretary hereunder.)

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., April 8, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re George Blinik, or Blainic, No. 54811/993.

The word "members" in the statute of October 16, 1918, must be so limited in its application as not to lead to injustice, oppression, or an absurd consequence. A membership to which the alleged member has never knowingly given his assent can not be regarded as membership in any reasonable sense. The principle of the *Church of the Holy Trinity v. The United States* (143 U. S., 457) is applicable. In that case Mr. Justice Brewer, delivering the opinion of the Supreme Court, conceded that the immigrant labor contract in question was within the letter of the act of Congress, yet held that it was not proscribed by that act. "It is a familiar rule," he said, "that a thing may be within the letter of the statute and not within the statute because not within its spirit nor within the intention of its makers," and, referring to the fact that court reports are full of cases illustrating the application of that principle, he quoted with approval these words from an earlier decision:

"All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always therefore be presumed that the legislature intended exceptions to its language which would avoid results of this character."

In the case in which Mr. Justice Brewer delivered that opinion for the whole court, the Supreme Court decided that a contract by a church for the services of an alien minister, to be performed in this country upon his immigration into it, was not prohibited by the statute, even though that statute in terms comprehended "all kinds" of labor and "all kinds" of service other than those it specifically excepted, and notwithstanding that the exceptions did not include the contract in question. Since the Supreme Court applied this familiar principle of construction to a statute, which in the case at issue involved only a pecuniary penalty, and inasmuch as the courts will not review decisions of the Secretary of Labor except in cases in which he absolutely exceeds his jurisdiction, it would seem to be of the highest importance, in the interest of the American principles of personal liberty, that the Secretary of Labor so construe the language of the act of October 16, 1918, as to prevent the imprisonment and deportation of domiciled aliens who have not knowingly become members of an organization which the Statute proscribes.

LOUIS F. POST,
Assistant Secretary.

Cancel.

LOUIS F. POST.

In this same connection attention is directed to the list of cases which will appear elsewhere in this report, in which the Assistant Secretary cancels warrants with only a memoranda of a few words, in many of which he takes upon himself "the task" of deciding that the alien is what he terms "an automatic member" of the communist party and thereby not subject to deportation.

CASE OF THOMAS TRUSS.

Of interest is the case of Thomas Truss, bureau file No. 54860/67. A summary and recommendation was submitted by the examining inspector and same is full and complete and is based on, and supported by, the evidence adduced at the hearing.

The record went to the Assistant Secretary for decision without a summary and recommendation from the commissioner general though it is true that what purported to be a summary expressing the commissioner general's views went with the record to the Assistant Secretary. This last-mentioned document was prepared by one of the Assistant Secretary's confidential men in the department who while employed as a mediator for the department was placed in the position of reviewing communist cases in the Bureau of Immigration, doing the work of a law examiner, having been so placed by the Assistant Secretary himself against the wishes of the commissioner general. This man, as before mentioned, was a confidential man of the Assistant Secretary (this will appear in other parts of this report) and in writing the memoranda referred to expressed his own individual views which in this case were not the views of the commissioner general nor was his summary borne out by the evidence in the case. As to whether this "examiner" personally took this case to the Assistant Secretary for his attention and action or whether it got to him in some other way is not known, but it is certain it did not go through the official channels, that is, through the commissioner general, nor was this last-named officer given an opportunity to express his views on the case or make a recommendation. A letter dated April 2, 1920, from the Assistant Secretary to the commissioner general, throws but very little light on this phase of the matter.

The Assistant Secretary rendered a lengthy decision in this case and canceled the warrant. This decision is dated April 6, 1920.

In the files of the Bureau of Immigration this decision is followed by a memorandum from the Law Division to the Commissioner General, which clearly indicates that the heart has been taken out of the bureau in so far as the enforcement of the act in question goes.

These documents read as follows in the order mentioned above:

No. 5401.

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Baltimore, Md., February 12, 1920.

COMMISSIONER OF IMMIGRATION,
Baltimore, Md.:

In the matter of Thomas Truss, subject of warrant of arrest No. 54860/67, dated January 9, 1920, to whom hearings were given on January 20 and subsequent date, I beg leave to make the following report, and hand you transcripts of the record, to which are attached numerous exhibits.

The alien is 33 years of age, a native of Russia, of Polish race, and claims to have entered the United States at this port in 1907. He has not declared his intention to become a citizen of this country. He married in this city in 1912 and has a wife and three children living here.

The testimony in this case is most voluminous, made necessary in part by alien's insistence in talking in English, which he did with the exception of comparatively few instances when the use of an interpreter was imperative. The record will demonstrate that alien's English is very poor, and that the stenographer had great difficulty in recording his answers as given. Alien was represented by three attorneys, who with others of their firm have joined in the signing of the accompanying brief, which criticizes most severely the entire administrative procedure; characterizes the hear-

ing as most unfair, the examining inspector as arbitrary and prejudiced; and as using reprehensible methods in questioning. The attention of the reviewing authorities is especially invited to this brief, and because of its comprehensiveness, the standing of the counsel, the analysis of the testimony, and the criticisms made it should have earnest consideration in the deciding of the case.

I shall endeavor to outline what the records, the seeming facts, disclose in this case in support of the warrant charges, and as indicating membership in such an order as is described in the act to which the warrant is based. As is fitting, I shall attempt to do this in disregard of the clamor and prejudice that have been injected into the proceedings.

On page 4 alien states that he used to belong to the Communist Party, which he joined about June or July, 1919, but that said organization ceased to exist "because it didn't have so many members." He had attended a meeting in this city last summer addressed by one Pinsky, an organizer from out of town, who advised the Polish people to form a branch here of the Communist Party, and detailed the difference or distinction between the Socialist Party and the proposed new one. Alien claims that this man on the preceding night had addressed a meeting of the branch of the Amalgamated Clothing Workers of America, of which alien is chairman or president, and that on this occasion alien first met Pinsky and came to know him. Alien claims that he went to the I. W. W. hall on this second night with this organizer simply because the latter had asked him to do so, the organizer saying he did not know the location (p. 6). He admitted that Pinsky was at that time an organizer of the Polish section of the Socialist Party, and at first seemed to admit that he distributed circulars advertising this meeting, which was on August 13 last. However, to his attorneys alien stated that the meeting for which he passed out circulars was that held on the first evening of Pinsky's visit here, when the latter addressed the clothing workers (p. 35). The testimony concerning these two meetings and alien's connection with and interest therein is quite involved and contradictory, so that it should be carefully studied.

Alien admitted that some one else had made out the application card for membership in the Communist Party in his name, which is Exhibit A, but after several questions on the point professed not to know whether same was in the writing of the organizer Pinsky or in that of one Marosz (Andred Marosz), who had been elected temporary and later permanent secretary of the Polish branch of this party in this city, to which alien belonged. Alien identified his membership card (Exhibit B), which shows the date of his admission to have been September 5 last, and bears the indorsement of Marosz as secretary. Alien stated that he had this card in his house and that it was "laying" on his desk. To the examiner of the Department of Justice alien stated under oath January 8 (see Exhibit P) that he had lost the one he got at a mass meeting, and did not know where it was. This card carried a 50-cent initiation stamp in the Communist Party in the space for the month of September, and canceled dues stamps for October and November, and alien acknowledged making these payments.

Alien was shown his name and statements of dues paid in the so-called membership book of the small Polish branch of the Communist Party, identified as such by the secretary who kept it, Andrew Marosz, and which is an exhibit in the latter's own case (warrant No. 54860/351). Alien thinks that this secretary was the delegate from the Polish local to the city central committee, which is a fact. Alien corroborated the statements made by Marosz, and which are referred to in the back of the membership and dues book noted above, that he, Truss, sold certain books, received from Chicago, but published by or for the Polish paper, Glos Robitniczy, in Detroit. Some of the proceeds of these sales, a proportion of the price of each book, was turned in by alien to Marosz, the secretary (p. 10), as revenue for the branch. The paper referred to is the organ of the Communist Party in the Polish language, of which alien is aware (pp. 11 and 23); and alien has subscribed thereto for five or six months. Indeed, Exhibit I, a letter from this paper to alien, dated June 14, 1919, evidences that he sold said paper in this city, was paid \$9.10 by check at that time, and that 10 copies would be sent every day to him. Alien admitted serving as agent and distributor, and received subscriptions. He endeavored to tell how much he made from this work, but thinks he stopped acting in this capacity in December (pp. 22, 23). Alien knew that Marosz, the secretary of his branch, received from Chicago a charter therefor and had taken it away to have it framed (pp. 11, 16, 39).

Alien denied he was a member of the Union of Russian Workers, but asserted that he once joined the Russian Workers' Organization, but can't tell just when that was. Attention is invited to the questioning and answers on this feature, found on pages 17, 18, 19, 33, and 34. Exhibit C is a card in alien's name of membership in the Russian Workers' Organization with a seal on the outside bearing the date of Septem-

ber 30, 1917, and it contains inside under the heading "1919" several impressions of a stamp reading March 1, 1919. It is not known definitely to what the latter stamp referred, and alien did not throw any light upon it, but the record book of the financial secretary of the Russian Workers' Organization, later the Union of Russian Workers, No. 1, of Baltimore, who was John Brunert, and who was deported on the *Buford*, shows alien as T. Truss, and paying 75 cents from October to December, 1917, and \$3.45 through 1918, and \$1 in March, 1919. Alien finally denied he made this last payment. On the premise that, from these records, alien at least had been a member of the Union of Russian Workers, certain extracts from a translation of Nowimirsky—Manifesto of Anarchists-Communists—were read into the record, and the entire translation entered as Exhibit KK.

Alien admitted as his a receipt for \$2.50 from the secretary treasurer of the Workers' Defense Union in this city, T. S. Wetter, who alien "guesses" is also the local organizer of secretary of the I. W. W. This receipt represented the sale of 25 buttons by the local of the Amalgamated Clothing Workers, of which alien was chairman, to help some of their members who had been arrested because of their membership in the Union of Russian Workers last November (see Exhibit D). The Department of Justice found many circulars, books, pamphlets, etc., in alien's desk at his home, and one of them, Exhibit E, is a blank from the executive secretary of the Communist Party, in Chicago, asking for subscriptions for the work of the party, and detailing various purposes for which funds and contributions were needed. Alien is very vague and contradictory as to how he came to receive this circular, but said only one came (pp. 20, 21). On page 22, he identified four blank application cards for membership in the Communist Party, found in his desk, and Exhibit H hereto, as having been received by him in a letter from Chicago.

Alien received a letter from some man in Chicago, whom he states he did not know (which, with translation and envelope, is Exhibit J), and which letter refers to the writer's not being able to come to Baltimore to address alien's local.

Alien stated on direct examination that this letter was received in the envelope referred to, which bears a notation in an upper left-hand corner "Polish S. S. P.," and an address which later was the headquarters of the Communist Party of America. Alien defines these initials, etc., as the Polish Section Socialist Party, and states he thinks this organization was transferred to the Communist Party. Alien later was not sure than this letter was received in the envelope he identified, and which is postmarked August 5, 1919, and which preceded by over a week, Pinsky's address in this city (pp. 25, 40), alien having stated that he presumed Pinsky gave the writer of the letter alien's address. Other papers and books and pamphlets, found in alien's home, were likewise introduced as exhibits, some by me and some by alien's counsel. One circular in English, found with others in Exhibit L, is a blank application for charter in the Communist Party of America; others in this exhibit in English being the well known circular of said party "Your shop" and "Break the blockade of Russia." Alien claimed he was holding these temporarily for the secretary, Marosz, who had handed them to him (p. 26).

Exhibit O is a book of blank receipts and stubs bearing the seal of a branch of the Industrial Workers of the World, to which alien belonged in this city several years ago. It was, so he said, for the purpose of noting receipts of money for the benefit of this organization, but alien claimed he made no collections. To his attorneys, he said it was about eight years ago that he was a member of this order, and joined simply because the shop in which he was working then was organized in that union, but that he left this order when he ceased working in said shop.

Much questioning and controversy were based upon the paper which is Exhibit LL, a report from the files of the Department of Justice, regarding alien's alleged presence at a meeting of some vaguely described organization on July 20 last, at which Truss was said to have been a speaker and to have made certain declarations about his membership in the Union of Russian Workers at that time. Alien consistently denied having been at any such meeting or of having made the substance of the statement attributed to him therein. Counsel in the submitted brief criticized severely the introduction of this report and intimate that it really does not pertain to their client. It seems to me that it should not receive consideration against the alien, as it is secondary and altogether hearsay evidence, and the agent who supposedly was present at the time, was not produced or named by the Department of Justice. It was entered in the record for what worth it might be considered, which in my opinion is negligible.

To his attorney, alien admitted (p. 40) that he was many times in the meeting of his local branch here of the Communist Party. He made several guesses as to what month this branch, which he claims has become defunct, held its last meeting, finally saying it was in October. There is no proof of this other than alien's claim, and it is

contravened by the fact that the secretary of the branch, Marosz, sent to the party headquarters in Chicago on October 13 for \$6 worth of dues stamps, and for the charter, and alien knows of this (p. 11); and one of the circulars printed in Polish, just preceding the blank application for charter, in Exhibit L, is dated October 28, and was found in alien's home.

Extraneous to matter directly connected with the warrant charges, counsel introduced several witnesses, including alien's wife and the pastor of the church in which he is an elder, to prove alien's good character, religious affiliation, peaceable disposition, his love for this Government and its institutions, and his generosity in buying a Liberty bond, contributing to the Red Cross, and other patriotic activities. The witness, Rev. Paul Fox, testifying on pages 58 to 62, inclusive, related alien's connection with his church, and told that while alien did not attend the Americanization class in English, he has attended faithfully the general lectures which are intended to acquaint all the foreign citizens with our institutions. To me, witness stated that these lectures in the Polish language have the same object in view as the Americanization English classes, and tell the people how they can become citizens of this country. That in these lectures, which Truss has attended, the hearers are told just how they could obtain information as to when they arrived in this country. Compare these statements with alien's testimony that in some past year, not definitely stated, he did apply for his first papers, but could not obtain them because of his ignorance of the exact date of his arrival in this country. Alien admitted that he knew that such information could be obtained in this office, where records of arrival at this port are filed; yet despite this knowledge, and what he has been hearing at the lectures at his church since 1910, he has made no serious attempt to declare his intention of becoming a citizen; thereby bringing into serious question his professed admiration and love for this Government.

To exemplify what may have been alien's real attitude toward our participation in the World War, I respectfully refer to the testimony of his wife, on page 29. She was justly proud of the fact that her brother had fought with the American Army in France and had died of wounds. When asked by counsel if the alien urged his brother-in-law to join or volunteer, Mrs. Truss stated that her husband said, "If you join it, you know your parents not in good condition; you might stay and help them." The next question of counsel was, "Did Mr. Truss have anything to do with his joining?" The answer being in part, "He didn't have anything to do with it, but he told my brother not to join it because he would be killed." Counsel seemed to omit referring to this testimony when dilating upon the alien's spirit of patriotism and Americanism.

Summing up, then, it would seem from the above analysis of testimony and exhibits, dispassionately, reasonably, and fairly, that both alien's membership in and affiliation with the Communist Party of America have been established. His acting as subscription agent and distributor of the Polish organ of the Communist Party, would in itself evidence affiliation, as distinguished from actual membership. It remains, then, to determine whether the Communist Party is one embraced within the language of the act of October 16, 1918. The extracts from the publications and proclamations of said party, read into the record, clearly prove, in my opinion, that this party does teach, advocate, and believe in the inimical doctrines detailed in the warrant of arrest. As a sequence, the warrant charges have been sufficiently established, and deportation is recommended.

Alien is at liberty under bail of \$1,000.

A. R. ARCHIBALD,
Immigrant Inspector.

MARCH 29, 1920.

Memorandum for the Assistant Secretary.

In re Thomas Truss; age 23; Polish wife and three American-born children with him; literate; clothes presser; landed at Baltimore in 1907, steamship *Cassel*, North German Lloyd Line; released on bond.

Warrant issued January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons outlined in the warrant, copy of which is in the record. He was arrested on the 7th of January by Department of Justice officials. A hearing was accorded the alien at Baltimore on January 20, the alien being represented by counsel.

The testimony is voluminous and the alien was examined at length.

He testified that he had endeavored to take out his first citizenship papers, but that because he could not remember the date of his arrival in this country he could not get them; that he had always lived in Baltimore since his entry, where he had married and had three children, American-born, living. It appeared that for years

he had been regularly attending services of the Presbyterian Church, and that since 1916 he had been an elder of St. Paul's Presbyterian Church, and that he was a faithful attendant at the lectures of the church, the purpose of which was to acquaint alien with American institutions. His own clergyman and others testified that they did not regard him as at all dangerous or inimical to American institutions or organized government. He subscribed to a Liberty bond, contributed to the Red Cross, and other patriotic purposes. He was chairman or president of a local of the Amalgamated Clothing Workers.

He says he joined the Communist Party of America in June or July, 1919. The manner of this so-called "joining" was as follows: In July some one at the meeting of the Amalgamated called his attention to the fact that a man named Pinski, a Polish speaker, who was on a lecture tour, was to be in Baltimore for a day, and the local desired to have Pinski address the organization. The alien appears to have assisted in making the necessary arrangements to hold a mass meeting which Pinski should address. Pinski delivered the lecture August 13. The evidence in the record is clear that at this meeting Pinski confined himself to trade-unionism, and that he said nothing of the Communist Party.

At the request of Pinski, Truss announced that Pinski would speak on the following evening at another hall, frequented by members of the I. W. W., in Baltimore, to which those present were invited.

The alien attended this second meeting, at which it appears that general socialistic principles were discussed and the progress of humanity touched on, leading up to the conclusion that everything should be socialized "like mines, the railroads, and so everything shall belong to the Government, and the people have a good living." From the record it must be concluded that the changes to be brought about by force and violence were not mentioned. At this meeting the alien and a few others represented themselves as willing to join the party. Pinski advised the formation of a Polish branch of the Communist Party and promised to send another speaker to explain the doctrine of the party, but this speaker never appeared.

The alien did not make a formal application for membership—he did not sign an application. An application was made out for him and signed by Pinski or by Marosz, he did not know which. However, it was not signed by alien. Marosz was one of those willing to join, and was selected by Pinski to act as temporary secretary. It is unimportant who signed the card. If the alien did not know the principles he could not be bound by any signing.

The alien had a membership card which he says he received from Marosz, and he paid dues for the two months.

The few men, some five or six, who with the alien had expressed their willingness to join, met several times, appointing temporary officers on those occasions, and finally in the fall of 1919 the matter appears to have been dropped.

Marosz, who appears from the record to have been arrested, was not called.

Marosz received a charter, which the alien never saw, except in a bundle, and never read.

He had purchased and sold some books, French Revolution, Socialism of the Hand, The Old System in Europe and the New System, which he had received from Detroit, from the Glos Robitniczy, and the money made on the sales was turned in to the secretary. He sometimes read the Novy Mir, which he bought at a stand in Aisquith Street or in a store. He had subscribed to the Glos Robitniczy for five or six months, which "used to be a Socialist paper, but after I read in this same paper that this thing is going to organize some kind of new organization, was to be organization Communist." He had also received copies of this paper and sold them, but he did not know it was the official organ of the Communist Party, and indeed did not know what that phrase meant.

The alien was interrogated as to his relations to the Union of Russian Workers. He had belonged to the Russian Workers Organization, which appears to have been a mutual aid and educational society, not political, but he denied that he had been a member of the Union of Russian Workers. His membership card indicates that dues were paid in the Russian Workers Organization at a time that body had become the Union of Russian Workers. He is clear, however, that the entry is not correct, and he is positive he paid no dues and attended no meetings after the Russian Workers Organization went over to the Union of Russian Workers, and he did not have the blue card of the latter organization.

It appears that about six years ago the alien was for about a year or two a member of the Industrial Workers of the World. His explanation of this is perfectly simple: "That time when I work in the union shop, I belonged to this organization, because I got to be member down there. This was organized union shop, and afterwards they organized the Amalgamated and I join the Amalgamated."

His wife and three character witnesses testified in his behalf. There was no further testimony. Many exhibits were offered in evidence, which are in the record.

The complete answer to all of this testimony is that it fails to show that this alien ever knew what the doctrines or principles of the Communist Party really were. Proof of the conscious, intelligent membership or affiliation contemplated by the act is wanting.

The examining inspector and the commissioner of immigration at Baltimore recommend deportation.

The bureau recommends the warrant be canceled.

Commissioner General.

[NOTE.—Not signed by Commissioner General.]

Cancel.

ASSISTANT SECRETARY.
(Davidge.)

APRIL 2, 1920.

MY DEAR MR. CAMINETTI: The case of Thomas Truss (No. 54860/67), has been called to my attention, the inspector's report having been received February 14, six weeks ago, and no decision having yet been rendered.

Upon inquiry I find that a memorandum was prepared in this case by Walter D. Davidge, whom the Secretary had detailed to such work in these cases. But his memorandum is not on the file.

Please send me Mr. Davidge's memorandum by bearer so that I may consider it before acting upon the case. If the memorandum he dictated has not yet been transcribed kindly instruct the stenographer to transcribe it at once and give it to me to-day.

Sincerely,

LOUIS F. POST, *Assistant Secretary.*

MR. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington.

Mr. Lyons please comply with the foregoing instructions. Expedite. Apr. 2/20. C.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 6, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Thomas Truss, No. 54860/67.

This alien, a Pole by birth, is 33 years of age; he arrived in the United States in 1907, was married in 1912, and has three American-born children. He is a coat presser by occupation, earning about \$40 a week, and is, or recently was, president of the Amalgamated Clothing Workers of Baltimore. His character, well attested by highly responsible witnesses, is that of a man who is not in the slightest degree dangerous to this Government or at all inimical to any organized government, but who would make a good citizen of the United States. He was taken into custody on the 7th of January, 1920, by policemen who came to his home and asked him to accompany them for the purpose of answering questions. He complied, expecting to return presently. The policemen conducted him to a police station, where they delivered him to the police official in charge, saying that he was wanted by a special agent of the Bureau of Investigation of the United States Department of Justice. Thereupon the alien was locked in a cell overnight, and until some time during the next day his wife and friends were ignorant of his whereabouts. If there was any warrant for his arrest the alien was not shown the warrant or in any other way informed of the reason or the authority for his summary imprisonment, nor has any such authority been since disclosed. While still imprisoned he was examined on the 8th of January by a special agent of the Department of Justice and his examination reduced to writing. No lawful authority for this proceeding was disclosed to the alien at the time nor has any been disclosed since; no warning was given him that his replies might be used against him, and he was not informed of his right to have counsel present to represent him if he wished.

A special agent of the Bureau of Investigation of the Department of Justice thereupon made an affidavit in which he swore that in the course of his personal investiga-

tions and those of the officials and employees under his supervision and direction, he was informed and verily believed that the alien was a subject of Russia; that he was a member of the communist party and the union of Russian workers; that those organizations advocate the overthrow by force or violence of the Government of the United States; and that the alien was a member of and affiliated with them; that he was an anarchist, believed in and advocated the overthrow by force or violence of the Government, and believed in and was opposed to all organized government. This affidavit was evidently a filled-out form, as the attorneys for the alien state, but inasmuch as the Secretary of Labor had already decided that the union of Russian workers and the communist party are within the proscription of the act of Congress of October 16, 1918, its averments imposed upon the immigrant inspector in charge at Baltimore the duty of applying to the Secretary of Labor for a warrant of arrest (see immigration rule 22, subdivision 3) and the Secretary of Labor was thereupon in duty bound to issue the warrant (see sec. 19 of the immigration act of 1917 and sec. 2 of the supplementary act of Oct. 16, 1918).

Accordingly, on January 8, the alien being then still in custody at the police station in Baltimore, as stated above, the immigrant inspector in charge at Baltimore telegraphed to his superior officer at Washington that satisfactory probable cause had been shown against the alien for membership in the Union of Russian Workers and the Communist Party. On the following day, January 9, a warrant of arrest was consequently issued by the Secretary of Labor and the inspector in charge at Baltimore was duly instructed by telegram to arrest the alien and hold him to bail in \$1,000, the usual sum in such cases. In due course the formal warrant of arrest was transmitted to the inspector in charge at Baltimore, and on January 9, two days after the arrest described above, the alien was taken into the custody of the Department of Labor by the inspector in charge.

Prior thereto the Department of Labor was in no wise a participant in or directly or indirectly responsible for the arrest of the alien or his treatment in any respect. Subsequent, however, to January 9, and until he gave bail on January 15, the alien remained in custody as a prisoner upon the aforesaid warrant of the Department of Labor. His hearing pursuant thereto began January 20, and on April 1 the record of hearing came to the Assistant Secretary for decision pursuant to his authority under the immigration laws and the organic act of the Department of Labor.

Examination of this record makes it evident that alien is not a communist. Neither is he an anarchist. He is the opposite of an anarchist, namely, a Socialist.

It also appears from the record that the alien came to the United States in 1907, has lived in Baltimore ever since, and has been for several years a respected member of and active worker for the St. Paul's Polish Church (Presbyterian) of Baltimore in which he is an elder.

As to his membership in the I. W. W., a point of contention at the alien's hearing, the record shows that he was a member of a branch of that organization six years ago, his branch being then the only union of wageworkers in his shop; but that he joined the Amalgamated Clothing Workers when it was organized and thereupon dropped out of the I. W. W.

The record also shows that alien was for a time a member of a Russian worker organization, then an educational and mutual benefit society having nothing to do with governmental problems. This organization merged into the Union of Russian Workers (an organization heretofore proscribed under the act of Oct. 16, 1918), whereupon the alien dropped his membership. He never became a member of the Union of Russian Workers.

The case appearing in the record against the alien turns, therefore, upon the question of his alleged membership in the Communist Party of America, which, like the Union of Russian Workers, is under the ban of the act of October 16, 1918. He is shown to have authorized the signing by another for him of a printed application for membership in the Communist Party. Inasmuch, however, as that signing was prior to the organization of the proscribed Communist Party of America, it is a nullity for the purpose of this proceeding unless confirmed by activities or declarations of the alien after the constitution of the proscribed Communist Party was adopted and brought to his attention.

According to the circumstances shown, alien's membership application was made in June, July, or August, 1919. The Communist Party of America was not organized until September. Alien had authorized his anteorganization application at the suggestion of an official organizer of the Socialist Party at a mass meeting, which alien attended upon the organizer's invitation, and at which the organizer set on foot preliminary proceedings for organizing a local branch of the subsequently organized Communist Party. As alien understood him, the new party was to stand for socialization of mines, railroads, etc., thereby lowering prices, as the Government Post Office had lowered postage.

Such a branch was informally organized, and on September 5, the day of the organization of the Communist Party in Chicago, it applied for a charter. The application was approved by the Communist Party officials at Chicago on September 14, and a membership card was given to the alien. Having previously paid a membership fee and two months' dues, the alien was credited with payments up to and including November. A charter was received by the secretary of the branch but not accepted by the group. The reason for delay seems to have been that no constitution nor any explanation of the purpose of the new party had been received, although the informally organized branch had been promised the attendance of an organizer to explain the Communist Party to its members. At a meeting in October, no organizer having come nor any constitution of the party, and the members of the branch not having learned anything more about the organization than had been explained at the mass meeting held in Baltimore before the Communist Party was organized, alien's branch decided to have no more meetings, and instructed the secretary to return the charter. Its members never got together again.

On the basis of those circumstances, the responsibility falls upon this department of deciding whether or not the alien comes within the membership clause of the act of Congress of October 16, 1918.

Under that clause aliens must be deported if "they are members of or affiliated with" the Communist Party of America. If this clause be construed as meaning that aliens who have once technically become members of the Communist Party must be deported even though they had no guilty knowledge, or that the principle of "once a member always a member" applies, it might be possible to spell out from the circumstances described above a membership for which deportation would be mandatory. Even then, however, there would be no little difficulty without disregarding every principle of personal responsibility. Having applied for membership before the proscribed organization was born, and withdrawn before its constitution was brought even perfunctorily to his attention, this alien would seem to a fair American mind to lack the requisites even of technical membership. If, however, the requisites of technical membership were all present, nevertheless the Congress of the United States should not hastily be presumed to have intended that resident aliens be arrested and deported as members of an unlawful organization, when all the circumstances show the alien himself to have been innocent of any guilty knowledge of malice in taking membership and when it appears not only that he is and has been wholly free from any hostile purpose toward this Government, but that he is sympathetic with our democratic institutions.

Some Members of Congress may possibly have intended, when they voted for this law, to have it construed in a narrow and un-American fashion: but it would not be reasonable to infer that Congress, as the constitutional law-making body of this country, enacted this law with any such un-American purpose. I shall therefore assume in this case, as I have in a large number of similar cases, that Congress intended the act of October 16, 1918, to be considered reasonably with reference to the individual knowledge and intent of persons drawn innocently into an unlawful membership.

If the act be so construed, this alien is not within the spirit of the act even if he were within its letter. In fact, however, he does not appear to be within its letter. Under the circumstances disclosed by the record he was never so much as a technical member of the proscribed Communist Party, and in so far as his conduct might be supposed to confirm his anteorganization application or to bring him within the affiliation clause of the act, the circumstances of his withdrawal are conclusive.

I have described this case at length because in most if not all essentials it is typical of a large proportion of fully 1,000 cases I have decided after hearing in which warrants of arrest had been issued by the Department of Labor on prima facie proof of probable cause furnished by special agents of the Bureau of Investigation of the Department of Justice. The aliens are arrested and imprisoned; while imprisoned they are subjected to a police-office inquisition; an affidavit showing probable cause (upon information and belief) is thereupon presented to the Department of Labor, whereupon the Department of Labor issues its warrant of arrest, takes over the custody of the alien, as by law it is required to do, and proceeds as usual in warrant cases under the expulsion clause of the immigration law. When the hearings at immigration stations are reported verbatim in regular course to the Department of Labor, the Secretary of Labor (or his lawful representative), who is charged with the exclusive responsibility, comes to examine these records, it is found in a large proportion of the large number of cases I have examined that there is no better reason for deportation than is disclosed in the present case. In some cases the membership is "automatic," the arrested alien having been transferred from a lawful organization to the unlawful one by vote of a group or branch of the former and without his knowledge. In some

cases he has had knowledge of the transfer but none at all of the character of the organization to which he has been transferred. In other cases he has signed applications before the existence of the unlawful organization and has never confirmed his membership by any conscious act. Sometimes an organizer or a friend has signed the application for him. As a rule, the hearings show the aliens arrested to be workmen of good character who have never been arrested before, who are not anarchists or revolutionists, nor politically or otherwise dangerous in any sense. Many of them, as in this case, have American-born children. It is pitiful to consider the hardships to which they and their families have been subjected during the past three or four months by arbitrary arrest, long detention in default of bail beyond the means of hard-working wage earners to give, for nothing more dangerous than affiliating with friends of their own race, country, and language, and without the slightest indication of sinister motive or any unlawful act within their knowledge or intention. To permit aliens to violate the hospitality of this country by conspiring against it is something which no American can contemplate with patience. Equally impatient, however, must any patriotic American be with drastic proceedings on flimsy proof to deport aliens who are not conspiring against our laws and do not intend to. Although these are not criminal proceedings, being wholly administrative in their character, their effect upon the innocent individual who in this summary way is found and to his neighbors, has the effect of conviction for crime by regular judicial processes.

It is sometimes difficult to draw the line in the records of cases of aliens charged with membership in a proscribed organization—and very few cases so far instituted upon probable cause shown by special agents of the Bureau of Investigation are for anything else—between those who are members understandingly and those whose membership is only technical and without guilty knowledge on their part. The natural association of alien residents with their own countrymen and the overlapping of social, industrial, and political organizations, each with its factions, tend to confuse the circumstances. As a guide through this maze, I have tried to follow the following principles of decision in each individual case:

1. The Communist Party of America is within the membership clauses of the act of October 15, 1918 (Secretary's memorandum in the Preis case).

2. Personal signing of the application for membership required by the Communist Party is quoted in the Secretary's memorandum in the Preis case, when such signing is supplemented by circumstances indicating membership subsequent to the creation of the Communist Party, constitutes membership within the purview of the act of October 16, 1918.

3. Signing by another with the authority of the alleged member has the same effect as personal signing, provided authority to sign and understanding of the purpose thereof are proved.

4. Applications for membership not confirmed by acceptance do not constitute membership within the act of October 16, 1918, unless it may be inferred from further facts indicative thereof.

5. Name in a membership list is not in itself proof of membership.

6. 'Automatic membership' does not constitute membership within the act of October 16, 1918, unless supported by proof of individual activities or declarations tending to show knowledge of the character of the organization.

7. Signed applications antedating the formation of the Communist Party (on or about Sept. 5, 1919), which are not unlawful in their own terms or their legitimate implications, do not in themselves constitute proof of membership nor of application for membership in the proscribed Communist Party.

8. When membership has been withdrawn under circumstances satisfactorily establishing good faith, the accused alien does not come within the proscriptions of the act of October 16, 1918, as to membership.

9. When the accused alien appears to be a person of good general character, fit for American citizenship except for the accusation in hand, and there is reasonable doubt of his membership, the warrant of arrest will be canceled.

10. Statements of the accused alien, whether oral or in writing made while he is in custody and without opportunity fairly afforded him from the beginning to be represented by counsel, and without clear warning that anything he says may be used against him will be disregarded pursuant to the principle *Re Jackson* (U. S. District Court for Montana, Bourquin, J.) and of *Silverthorne v. United States* (Jan. 28, 1920), as having been unlawfully obtained.

11. Exhibits seized upon the premises or the person of the accused alien without lawful process, will be disregarded pursuant both to the principle and the precise decision in *re Jackson and Silverthorne v. United States*.

12. In cases in which the alien is the father of children born in the United States, and therefore constitutional American citizens, and who are dependent upon and receive from him parental support, every fair doubt regarding membership within the purview of the statute will be accorded.

Guided by those principles, I am of the opinion that upon the record in this case the alien is not a member of or affiliated with the Communist Party or any other proscribed organization within the meaning of the act of Congress of October 16, 1918.

The warrant is canceled.

Louis F. Post, *Assistant Secretary.*

Mr. CAMINETTI: I have read the memo of the Assistant Secretary. It leaves little hope for the rest of the cases. However, we can still recommend in accordance with what we conceive the law to be.

There is nothing further for the law division to do in the case (unless you wish to make reply to the memo) and it should go to the cor. sec. for decision and the usual letters.

W. J. P.

NOTE.—W. J. P. is W. J. Peters, chief of Law Division of Bureau of Immigration.

STATEMENT OF MR. VAILE.

Mr. VAILE. Mr. Chairman, I dislike to interrupt the submission of this report, but the Truss case seems to me particularly important, both on account of the publicity which has been given it and also because, as I understand, it has been used by the Assistant Secretary as a precedent or key case governing the decision of many others.

This case lays down certain propositions which the Assistant Secretary has evidently attempted to apply to many other cases; among others the proposition that while the Communist Party of America is an organization of the sort proscribed by the act of October 15, 1918, and by the Secretary's memorandum in the Preis case, and while either personal signing of the membership application or signing by another with the authority and understanding of the alleged applicant will constitute membership, on the other hand the finding of a name in a membership list is not of itself proof of membership, nor can the incorporation of the whole membership of a local society in the Communist Party make the individual members of such society members of the Communist Party for the purposes of the act unless there is also proof of individual activities or declaration by the individual tending to show knowledge of the character of the Communist Party. Such acquisition of membership by a group—you might say transfer of membership—is evidently what the Assistant Secretary means by "automatic membership."

Now, I take it that these general propositions are sound enough, and it seems to me also that it is entirely correct to rule that where an application has been withdrawn under circumstances indicating good faith the applicant must be regarded as not coming within the proscription of the act. The proposition regarding use of evidence obtained by confessions and by search, and also the propositions extending the benefits of all reasonable doubt to the alien are probably justified on the principle of giving him every possible protection afforded by our criminal law, but I want to observe that they are the enunciation of principles of the criminal law and that they are here extended to proceedings which are not of that nature. I do not say that the extension is not proper. I am inclined to believe that

it is. But the issue is not whether the alien has committed a crime; it is whether he is eligible to stay here under our rules, and we are here extending to him all the advantages which the law would give him in a strictly criminal proceeding.

I would have to concede the technical correctness of the Assistant Secretary's proposition No. 7, to the effect that signed applications antedating the actual organization of the Communist Party do not of themselves constitute proof of membership in that party, though it seems to me that they should be regarded as applications for membership therein. However, it seems to me that if you apply this proposition of the Assistant Secretary generally, it is the creation of a technical defense against an actual condition. It does violence to our common sense to admit that the alien did not know what principles were advocated by those who were forming the Communist Party prior to the date of its actual organization. The call for the formation of that party was sent out July 19, 1919. It is full of exactly the same stuff that is in the constitution of the party as adopted in September, and in order to keep this point before the committee I want to read into the record here some extracts from that call:

The problem of the proletariat consists in organizing and training itself for the conquest of the power of the State. This conquest of power means the replacement of the State system of the bourgeoisie with a proletarian system of government. This new proletariat must embody the dictatorship of the proletariat, both industrial and agricultural, this dictatorship constituting the instrument for the taking over of property used for exploiting the workers and for the reorganization of society on a communist basis. We maintain that the class struggle is essentially a political struggle; that is, a struggle by the proletariat to conquer the capitalistic State whether its form be monarchistic or democratic republican, and to destroy and replace it by a governmental structure adapted to the socialistic transformation.

The constitution adopted in September says:

The Communist Party alone is capable of mobilizing the proletariat for the new revolutionary mass struggle to conquer the power of the State. * * * Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism, and the destruction of the bourgeois State. The Communist Party prepares itself for this revolution in the measure that it develops a program of immediate action expressing the mass struggle of the proletariat. These struggles must be inspired with the revolutionary spirit and purpose.

It would seem evident that this constitution, whether formally adopted or not, must have actually been promulgated before September, because the membership card signed by an applicant reads as follows:

The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International, agrees to submit to the discipline of the party as stated in its application, and pledge myself to engage actively in its work.

Now the alien here, Truss, denies that he had ever read the call or the constitution of the Communist Party of America or the manifesto of the Communist International, and, of course, if we are going to deport him we should establish the fact of his acquaintance with the principles of the Communist Party. From a technical standpoint this is where the Truss case fell down. It certainly should have been possible to furnish proof on this point because it is simply an absurdity to say that Truss did not know of the call or of the purposes of the Communist Party. They must have been

outlined by Pinsky, the Communist Party organizer, who spoke at the organization of the Polish branch. Truss himself was a member of the committee on arrangements for that meeting. The Communist Party principles bristle in the book of W. D. Haywood, Industrial Slavery and Socialism, which Truss had read, and they are certainly habitually discussed in communist and radical meetings. What are those meetings for? Truss attended at least several of them. So admitting that Truss was not expressly proven to have knowledge of the principles and purposes of the Communist Party, it seems to me that the Assistant Secretary is stretching actual conditions through a technical loophole when he lays down his propositions about membership applications made before the actual organization of the Communist Party. Surely these cards issued before that actual organization must have been accompanied by some explanation to the prospective signer.

Mr. BLACKWOOD. The propositions stated by the Assistant Secretary in at least one or two respects do not fit the facts in the Truss case. Truss did not withdraw his application for membership in the Communist Party in good faith, because he did not withdraw it at all. Even according to his own statements he simply quit attending the meetings of the local branch and the local branch simply lapsed for lack of attendance, and his statement that it lapsed in October is contradicted by evidence of its circulars dated October 28 and found in Truss's home. This circular is one of the exhibits that the Secretary refused to consider under the eleventh proposition. His application card while it was, of course, presented to the secretary of the local branch was not an application for membership in the Polish branch at Baltimore, or in any particular branch, but for membership in the Communist Party of America. The Assistant Secretary speaks of applications for membership "not confirmed by acceptance." Truss's application was accepted by his local branch, and it was never refused by anybody. Truss retained his membership card of the Communist Party. He paid three months' dues upon it. He says that these dues were paid "in advance," but he does not state how long in advance. He sold at least some of its official literature and remitted a portion of the proceeds to the secretary of the local branch. He received and retained applications for membership in the party, but these applications were among the exhibits rejected by the Assistant Secretary. He attended meetings of the local branch which was applying for a charter from the Communist Party of America.

Now, in spite of all of this it is stated in the "Memorandum for the Assistant Secretary," prepared by one of his own agents, for signature of the commissioner general, that the alien did not have a "conscious or intelligent affiliation" with the Communist Party, because he himself denied that he knew anything about its principles. Perhaps it was not proven that he did know anything about them. At any rate it was not proven to the satisfaction of the Assistant Secretary, and so the Truss case is used by him in what you call a key case.

If this comment answers your suggestions, Mr. Vaile, I will now proceed with the report on other cases.

CASE OF JOHN BOCAS.

While the last-mentioned decision in itself might not have taken the heart completely out of the Bureau of Immigration, it was what might be termed the "last straw" to a long line of decisions, rules, and regulations handed down from time to time ever since the activities began against people who would overthrow our Government; these decisions, rules, changing policies, etc., overthrowing former practices, and making it harder to obtain an order of deportation than it would have been to have convicted on a criminal charge in any court. It appears that the Assistant Secretary, who had the final say, was placing much credence in the word of the deeply interested alien and little or no credence in the testimony of other witnesses, including sworn officers of the Government, who had no interest whatever in the cases other than that of doing their duty and doing it as well as they could, is evidenced in the case of John Bocas, bureau file No. 54709/149. In this case a memorandum, containing a summary of the evidence adduced and a recommendation, was prepared by the commissioner general for the Acting Secretary dated January 3, 1920.

A letter from the Special Assistant Attorney General, handling anarchist matters, to the Bureau of Immigration, dated January 15, 1920, setting forth that in his opinion the alien in question is a dangerous anarchist and requesting that his bond be fixed in the sum of \$5,000; a memorandum from the Assistant Secretary to the Acting Secretary regarding the case, dated February 20, 1920; a memorandum of the law division to the commissioner general, dated March 22, 1920, and a memorandum of the Assistant Secretary canceling the warrant, dated April 2, 1920, all throw considerable light on the case reading as follows, in the order mentioned above:

JANUARY 3, 1920.

Memorandum for the Acting Secretary.

In re John Bocas, or James Bokas, or Isador Bokas, 33; Russian; arrived in the United States at New York on November 12, 1909, ex-steamship *Bremen*, and has been a continuous resident of this country since that time.

A departmental warrant issued for the arrest of the above-named alien under date of November 5, 1919, alleging that he was in the United States in violation of the act of October 16, 1918, for the reasons outlined in the warrant, a copy of which is attached to the record.

The subject of these proceedings was accorded a hearing at the Hartford County jail, Hartford, Conn., November 14, being represented by counsel. The testimony shows that he is married and resides with his wife in Waterbury, Conn. He claims to be a subject of Lithuania, and has never taken any steps to become a citizen of this country. He denies being a member of the Union of Russian Workers, but admits being a member of the Lithuanian Socialist Party; that their organization sent delegates to Chicago two months ago to the convention of suspended federations of the Socialist Party of the United States; that each member was assessed 50 cents to cover their expenses. The alien admitted that the Lithuanian federation is split, one calling themselves communistic and the other socialistic; but that his organization had not decided which they would join, although admitted that there had been sent a charter of the Communist Party to the Lithuanian branch of the Socialist Party in Waterbury, of which organization the alien admits being the financial secretary. The alien's other testimony is a complete denial of the warrant charges.

Martin E. Sullivan, a special agent of the Department of Justice, testified, as a witness, to the effect that on the night the alien was arrested he admitted that he was the secretary of the Lithuanian Socialist Party, and that at their recent convention held in Chicago there was a split in the Socialist Party; that some of the members created what is known as the Communist Party, but that he, the alien, did not believe in some of their teachings. There have been incorporated as exhibits in the record

copies of Darbas, Exhibits A and B, such paper being the official organ of the Amalgamated Garment Workers of America. Mr. Chamberlain, another agent of the Department of Justice, testified that the alien was a leader of the radical element in Waterbury and vicinity.

The hearing was continued on November 15, at which time the alien admitted that the organization he belonged to had received a charter signed by one Fraina; that last October the Lithuanian Socialistic Federation of the United States held a convention in Brooklyn, N. Y., and the Waterbury branch sent three delegates to said convention. It appears that the purpose of the convention was to change the character of their organization from socialistic to communistic and that such purpose was accomplished. It also appears that the organization held a convention at New Haven on October 26, at which the alien was a delegate. Several exhibits have been incorporated in the record, and when questioned in relation to one exhibit, Exhibit I, which appears to be a paper in the handwriting of the alien, he stated that it contains statements to the effect that the Lithuanian Communist Party Federation accepted the principles and doctrines of the Third International over all the working classes of people. Special Agent Sullivan, on cross-examination, stated that as he understood the alien's admissions, the Lithuanian Socialist Party was now affiliated with the Communist Party. The alien was shown a copy of the Communist charter and asked as to whether or not he belonged to the organization, and he answered in the affirmative, and further that his organization had received the charter two weeks previous. On cross-examination by his attorney the alien admitted that the Socialist Party had suspended the Lithuanian Socialist Party organization at Waterbury. On further questioning the alien admitted that he was a communist by virtue of the fact that the organization to which he belonged had become communist and he was converted with the other members. Several papers in the alien's handwriting, being Exhibits H, I, J, and K, have been incorporated in the record, but translations have not been made, and it is impossible to determine whether or not they have any weight in regard to the issues involved. The program of the Communist Party adopted at their convention in Chicago on September 1, 1919, is attached to and made part of the record.

The examining inspector finds that the alien is a proper subject for deportation, and his recommendation is concurred in by the commissioner of immigration at Boston, Mass.

It is obvious, from an examination of the evidence disclosed, that the organization to which the alien belongs has accepted the principles and doctrines of the Communist Party and is now part of that organization. The manifesto of the Communist Party adopted at their first national convention at Chicago on September 1, 1919, contained many expressions of an inflammatory, militant, and revolutionary nature. It is obvious from a perusal of same that communism is a theory designed to destroy the present existing system of government, and that their organization is one which comes within the purview of the act of October 16, 1918, the department, in fact, already having taken this position.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates or teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government. It is therefore recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia, at Government expense. It is further recommended that the alien be transferred to Ellis Island, N. Y., there to be detained until such time as his deportation can be accomplished.

Commissioner General.

Approved: _____

Acting Secretary.

JANUARY 15, 1920.

HON. ANTHONY CAMINETTI,

Commissioner General of Immigration, Washington, D. C.

DEAR MR. CAMINETTI: I am in receipt of two telegrams from the Hartford, Conn., office of the Bureau of Investigation urgently recommending that bail in the case of Isidor Bokas, alias James Bokas, be raised from \$1,000 to \$5,000. Bail in the sum of \$1,000 has been offered in this case.

The record on this alien shows that he is a very active member of the Communist Party and is secretary of the Hartford, Conn., branch of the Communist Party. Your

Inspector Clark, at Hartford, as I am informed, wired you recommending that bail in this case be raised to the sum of \$5,000. I deem it highly advisable that the amount of bail on this alien be raised, as recommended, to \$5,000.

Will you kindly advise me at your earliest convenience of the action taken in this matter?

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

At this point it might be well to restate the fact that when Secretary Wilson is absent from the Department of Labor the solicitor of that department, Mr. Abercrombie, becomes Acting Secretary. In the absence of Mr. Abercrombie, Assistant Secretary Post becomes Acting Secretary, but signs himself as Assistant Secretary.

In the Bocas case, therefore, Mr. Post, on February 20, addressed a memorandum to Mr. Abercrombie as follows:

FEBRUARY 20, 1920.

For: Mr. Abercrombie.

From: Mr. Post.

Subject: Immigration case of John Bocas (alias James Bocas, or Isador Bokas). File No. 54709/149. Held under alien anarchist clause.

This case of John Bocas or James Bocas or Isador Bocas is one of the cases to which Harry L. Edlin, Esq., as counsel for the alien, refers in his letter of February 13, 1920. I have already made memorandum to you regarding other cases of his referred to in the same letter.

In the Bocas case, warrant was issued under date of November 5, 1919, and alien was taken into custody at Hartford, Conn., November 6, 1919. Hearing was conducted by M. J. Leonard, at Hartford, beginning on November 14, 1919. The inspector, in transmitting the record through the Bureau of Immigration advises that the alien denies being a member of the Union of Russian Workers, that he admits being a member of the Lithuanian Socialist Party and having been secretary of the Left Wing, that in the judgment of the inspector the Left Wing of the Socialist Party and the Communist Party are the same organization; that alien admits being an active member of the Socialist Left Wing, or Communist Party; that he bought and read a book which explains anarchism; that he was a delegate to the Lithuanian Socialist Federation of the United States held at Brooklyn, which changed the name from Socialist to Communist; that he admits writing Exhibit I, which refers to the Lithuanian Communist Party Federation as having accepted the principles and tactics of the Third International; and that "alien is an anarchist" and "is a member of, or affiliated with an organization that advocates the overthrow by force or violence," etc., etc., and "teaches disbelief in all organized government." The inspector therefore recommends deportation.

Memorandum prepared by the bureau on the basis of the above record bears date of January 3, 1920, but has not yet been signed by the commissioner general, for whose signature it was prepared. In this bureau memorandum the summarization is to the effect that alien denies being a member of the Union of Russian Workers, that he admits being a member of the Lithuanian Socialist Party, that their organization sent delegates to Chicago two months ago to the convention of suspended federations of the Socialist Party of the United States, that alien admits that the Lithuanian Federation is split, one branch calling themselves Communists and the other Socialistic, and that he states that his own organization "had not decided which they would join," although he admitted that there had been sent a charter of the Communist Party to the Lithuanian branch of the Socialist Party, in Waterbury, in which organization alien admits being the financial secretary. This memorandum further states that a special agent of the Department of Justice testified to the effect that on the night alien was arrested he admitted that he was secretary of the Lithuanian Socialist Party and that at their recent convention held in Chicago there was a split, in consequence of which some of the members created what is known as the Communist Party, but that the alien did not believe in some of their teachings. The bureau memorandum further states that "another agent of the Department of Justice testified that the alien was a leader of the radical element in Waterbury and vicinity."

The same memorandum further explains that at a subsequent hearing, which appears in the record under date of November 14, 1919, alien made admissions to the effect that the organization he belonged to had received a charter signed by one Fraina; that

his branch of the federation had held a convention to change the character of their organization from socialistic to communistic; that this was done; that the organization subsequently held a convention at New Haven, at which alien was a delegate; and that alien admitted "that he was a Communist by virtue of the fact that the organization to which he belonged had become Communist and he was converted with the other members." It is therefore recommended by the undersigned memorandum of the bureau that alien should be deported on the ground that he is a member of or affiliated with an organization that advocates or teaches the overthrow by force or violence of the Government of the United States and teaches disbelief in all organized government. A further recommendation is made to the effect that alien be transferred to Ellis Island and be there detained until deportation can be accomplished.

Upon looking over the testimony I note that this alien was a member of a strikers' committee last summer, which represented the workers from the local factories, and was arrested at that time in that connection; that he knew nothing about the Union of Russian Workers and has never been a member of it; that a charter for the Communist Party was sent to the Lithuanian branch of the Socialist Party in Waterbury; that he is not in sympathy with Lenin and Trotsky because "they take all money from everybody and don't let you have one person to work for you," whereas alien wants "to have money" and also "to buy something for myself and have somebody work for me"; that he is not an anarchist; that he believes in the present form of the Government of the United States; that he does not believe in the overthrow of the Government of the United States or of any organized government by force of arms.

The examination of alien being interrupted at this point for the taking of the testimony of the agent of the Department of Justice, the latter stated that he had become acquainted with alien on November 7 in the office of the superintendent of police at Waterbury and had interrogated alien there. The testimony of this witness is insignificant.

Another agent of the Department of Justice being thereupon examined, gave testimony which is rather significant of a purpose collateral to that of the Department of Labor warrants under the immigration law. It was to the effect that during witness's personal investigation of strikes in the region of alien's arrest, alien was reported to the superintendent of the Waterbury police, from whose report and "other confidential sources of information" witness believed that alien "is one of the leaders or possibly the leader of the radical and direct-action element in Waterbury"; that "he was president of the committee which brought about the strike in Waterbury during the latter part of June, 1919, a strike which resulted in the Waterbury riot," in connection with which alien was arrested; also that witness understands that alien "has not been working since the strike, but has been agitating and collecting a fund to be used for the purpose of bringing action against the local police force of Waterbury and for their activities in connection with the riot." This witness testifies to "having been told on good authority and from very competent persons that Bocas is connected with the radical element in Waterbury and attends the meetings held by the Union of Russian Workers." You will see that this testimony is of no value in deportation proceedings, nor is any of the rest of his evidence as reported in our record.

The alien stated further in his testimony with reference to the split in the Socialist Party, and in answer to the question, "Are you a Communist?" "I am at present; but I am waiting for the referendum and I will be a Socialist." Query: "Did you ever declare your intention to become a Communist?" Answer: "I am with the rest of the people. I personally have nothing to say. It is all in a group." Query: "Then how did you become a Communist?" Answer: "They have changed the organization into the Communist Party and I was converted the same as the others." Query: "Did you express any willingness to remain in the organization after it became a Communist organization?" Answer: "I did say" (probably meaning "stay" instead of "say") "in company with the rest, but we will wait until we get a referendum." To the question, "If you ever found out that the Communists advocated anarchy and the overthrow of organized government by force, would you still retain your membership in that organization?" the alien answered "No." Further, in the same connection alien stated, "I am a member of the Communists but we will soon be back to our Socialist Party, as soon as the referendum comes." Asked why he said he was a Communist now, alien answered "Because the party has changed to the Communist?" This answer was followed by the question, "And you do not know what the Communists stand for?" to which alien answered, "I have not had time to find out. We want to remain on our old Socialist platform."

It would appear from the testimony, of which I think I have given the substance quite fully, that this alien is not deportable unless the Secretary decides that a decision by officials or delegates of a lawful organization to turn it over bodily to an unlawful one makes every member of the lawful organization a member of the unlaw-

ful one unless he withdraws from the lawful one pending a referendum in the lawful one on the action of its delegates in turning it over to an unlawful one.

Apart, however, from the merits of the case, is the fact that the warrant under which this alien was arrested fixed his bail at \$1,000 and that subsequently on the application of an agent of the Department of Justice a month after the hearing and prior to any decision, the bail was increased to \$5,000. The application of the Department of Justice stated that "the record on this alien shows that he is a very active member of the Communist Party and is secretary of the Hartford, Conn., branch of the Communist Party." Even if this were a sufficient reason for increasing the bail, it is at least questionable whether the record shows such reason to exist. According to the letter of alien's attorney, this alien has been in jail for more than three months. If that statement is true, I am inclined to believe that this department has, in this case, been placed in an indefensible position. There would seem to be no reasonable excuse in the case of an alien arrested on the 7th of November and given a hearing on the 14th, for keeping him in jail from the time of his arrest until the date of the attorney's letter (February 13, 1920), three full months. The case for deportation is at least questionable, and the exorbitant bail exacted seems to me to be in conflict with the Secretary's instructions in that respect.

This case tends to give color of verity to the statement of the attorney in one of the cases to which his letter refers, that there is an animus back of these Connecticut deportation cases, namely, a strike last summer in connection with which the local police made assaults upon the strikers (lawlessly as the strikers claim) for which representatives of the strikers are collecting funds for the purpose of prosecuting cases against the police for their alleged lawlessness.

There are also indications in this case, especially when taken in connection with some of the others, of an appearance of absolute submission by immigration inspectors to the dictation of Department of Justice agents.

I submit the record to you as Acting Secretary in charge of immigration matters for such consideration and action as the record may seem to you to require.

LOUIS F. POST,
Assistant Secretary.

Received and referred to the commissioner general 2/24/20.

JOHN W. A.

MARCH 22, 1920.

Memorandum for the Commissioner General.

Herewith submitted are two cases which you handed me on the 13th instant, with request that I consider them in the light of the evidence of record and memoranda of comment thereon by the Assistant Secretary. I had opportunity yesterday, for the first time since you turned the cases over to me, to read the testimony of record. While I appreciate the fact that the cases are not entirely clear, either for cancellation or deportation, I am inclined to believe, after a careful consideration of the evidence of record in both cases, that the correct conclusion is as expressed in the two memoranda which have been prepared for your decision—that the evidence preponderates to show that both men were, consciously, members of the Communist Party of America and, whatever may have been their views with respect to the character of that organization or their intention concerning the continuance of their membership therein, that they are properly subject to deportation under the act of October 16, 1918. The evidence has been correctly summarized in these memoranda, and it seems to me the cases should be submitted on them to the Assistant Secretary for his decision.

W. J. P.

APRIL 2, 1920.

John Bocas, No. 54709/149 (alleged communist).
The warrant is canceled.

LOUIS F. POST, *Assistant Secretary.*

CASE OF GEORGE KOST.

The contention with reference to the Assistant Secretary placing more credence in statements of the interested alien than he did in that of Government officers, sworn to enforce the law, is shown in the memorandum he handed down in the case of George Kost, bureau file No. 54709/991. Attention is called to the fact that in

this case the Assistant Secretary ordered the case reopened and instructed that some outside interpreter be used in place of the special agent of the Department of Justice who had acted as interpreter at the first hearing. Also he ruled that testimony consisting of voluntary admissions that have always been admissible in both criminal and civil actions in this country can not be used or considered in a deportation proceeding, though he himself has held many times that deportation was an administrative and not a criminal action, also that an administrative action was not bound by the rules of evidence as in court procedure; yet in these anarchist cases the Assistant Secretary makes rules of evidence of his own, more stringent and binding than any rules of evidence followed by courts.

The decision above referred to and which was handed down March 23, 1920, reads as follows:

MARCH 23, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: George Kost, alias Kwost, alias Koastas, No. 54709/991.

This alien was subject to an examination while in custody of a special agent of the Department of Justice and without opportunity to be represented by counsel and also without warning that his statements would be used against him. The special agent who examined him under those circumstances was afterwards used as interpreter at the regular examination under the Secretary's warrant for the purpose of interpreting the testimony of alien given in his own behalf.

Open case for full rehearing to be held in the presence of alien's counsel, if he desires, and with an interpreter not otherwise interested in the case.

LOUIS F. POST,
Assistant Secretary.

CASE OF JOHN DUDINSKY.

Another case in point is that of John Dudinsky, bureau file No. 54810/346. In this case the commissioner general submitted to the Assistant Secretary with the record of hearing, a memorandum summary and recommendation dated March 20, 1920, which sets out clearly and fairly the facts adduced in the evidence. On March 22 the Assistant Secretary handed down a memorandum containing instructions to open the case for rehearing; this memorandum would almost lead one to believe that the Assistant Secretary was appearing on behalf of the alien, and has more the appearance of a brief in favor of the alien than in favor of the Government. He proceeds to tighten up his rules of evidence, and then to cap the climax orders a copy of this "brief" against the Government and for the alien, furnished to alien's counsel "for his information." It was not enough that he lay down such stringent rules as to practically nullify the act of Congress, but in order that there might be no question of alien anarchists being able to best the Government, he must furnish a copy of the instructions that he had prepared as to how to best the Government to the alien's counsel, knowing as he well knew, and as the files of the Bureau of Immigration and the Department of Labor show, that said counsel had not only stooped to questionable practices, was not only a radical himself, but that he was at that time retained as chief counsel for the alien anarchists in the eastern section of the United States. Yet he furnished this attorney ammunition to use against the Government.

On March 23 the commissioner general replied to the Assistant Secretary with a memorandum which explains itself but clearly indi-

cates that the heart of the bureau was fast reaching the point where it would only need the "last straw" for the final break. The Assistant Secretary did not reply to this memo (although explanations with reference to different paragraphs of his decision were requested), other than to make a notation on the bureau memo to the effect that his decisions and instructions were self-explanatory. This was returned to the bureau.

One of the instructions in the Assistant Secretary's instructions was with reference to the reduction of bond in the case of the alien in question. This bond had been placed at \$10,000, at the request of and on the showing made by the special assistant to the Attorney General in charge of anarchist matters for the Department of Justice, and, under date of March 27, this officer addressed a letter to the Bureau of Immigration setting forth his reasons for having asked that the bond be fixed in that amount and urging that it be not reduced.

Under date of March 29 the attorney for alien wired the bureau with reference to the reduction of bond and on the 30th the bureau prepared a memo for the Assistant Secretary on that subject and was directed, by the notation made on the bottom thereof by the Assistant Secretary, to hold hearings regarding this application for reduction of bond. There is nothing to indicate just what "hearings" were held with reference to this matter or what showing was made as to why same should be granted other than telegrams dated April 7 and 8 from alien's counsel addressed to the Assistant Secretary, on the bottom of each of which the Assistant Secretary placed the word "noted" and referred to bureau.

The bureau under date of April 10, over the signature of the commissioner general, furnished a memo to the Assistant Secretary in which it is stated that "the bureau considers it quite unfortunate that it is necessary to permit this man to go at large under any circumstances," and opposed the reduction of bond in this case. The Assistant Secretary simply made the notation on the bottom of this memo to reduce the bail to \$1,000.

The various documents mentioned in connection with this case which support the contention that the word of interested aliens, radical attorneys, and outsiders are given more weight than officers charged with the enforcement of law, read as follows in the order in which they have been mentioned:

MARCH 20, 1920.

Memorandum for the Assistant Secretary.

In re John Dudinsky, or Ivan Dudinsky,

Russian, aged 31, single, date of entry, port, and steamship not shown.

Warrant issued December 29, 1919, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons stated in the warrant, copy of which is in the record.

Hearing was accorded the alien at Ellis Island, N. Y., January 23, 28, and February 26, 1920, the alien being represented by counsel. Before and after counsel appeared in this case the alien declined to answer questions bearing on his membership in the Communist Party of America and insisted that the Government must prove the charges preferred against him in the warrant. At no stage of the hearing did he deny membership in the Communist Party and documentary evidence introduced in the record by the Government clearly establishes the membership of the alien in said party, and further shows him to be an officer in Russian Branch No. 1, Communist Party, Essex County, State of New Jersey. Exhibit E, membership card; Exhibit J shows alien's election as chairman at a meeting October 24, 1919; Exhibit B is a letter signed by alien as secretary of the Russian branch. At the time of his arrest by Department of Justice agents, the alien testified on January 3, 1920 (Exhibit A) that he represented the Communist Party at the convention in Detroit in 1919. The alien is represented

by agents of the Department of Justice as dangerous, and the record shows him to be an active member and officer of the Communist Party. He is being detained at Ellis Island in default of bond.

The examining officer recommends deportation, and the acting commissioner at Ellis Island concurs therein.

The evidence submitted and adduced establishes, and the bureau finds that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

Assistant Secretary.

(NOTE.—Unsigned by Assistant Secretary.)

MARCH 22, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: John Dudinsky, or Ivan Dudinsky, No. 54810/346.

1. This alien appears to have been arrested several days before issue of Secretary's warrant and to have been interrogated by special agents of the department without warning that his statements might be used against him, without notification of his right to counsel, and (as alien asserts) under threats of bodily injury.

2. At his regular examination under the Secretary's warrant, several days after his examination by the special agent of the Department of Justice, the alien refused to answer questions without opportunity to have his counsel present. The legal right to have counsel before his examination proceeded was denied him until after several questions had been propounded and several exhibits put into the record. He finally secured counsel and thereupon, under advice of his counsel, he refused to answer questions on the ground that the whole proceeding was illegal because his arrest, etc., had preceded the Secretary's warrant.

3. It seems to me that there is enough lawful evidence in the record to make a prima facie case and thereby to put the alien upon his defense, but there is in the record some evidence unlawfully obtained and some which may have been lawfully obtained but is unlawfully in the record as evidence against the alien.

4. On the whole, from the time of his arrest until the admission of counsel, the alien's case was in several respects unfairly tried. Statements of alien, if made under duress, are not valid evidence against him; neither are unsupported statements of other witnesses made upon information and belief. The alien is not obliged to testify in his own case, and he is entitled to counsel at every stage.

5. Open the case for rehearing.

6. Application for reduction of bail from \$10,000 to \$1,000 may be made at the rehearing or at once to the immigration office, which is directed, in view of the long period during which alien has been in custody, to expedite such hearing and transmission of the record thereof.

7. Furnish alien's counsel with a copy of the foregoing memorandum for his information.

LOUIS F. POST,
Assistant Secretary.

MARCH 23, 1920.

Memorandum for the Assistant Secretary.

In re your memorandum of March 22, re John or Ivan Dudinsky.

For the purposes of this communication, the paragraphs in said memorandum will be numbered respectively in this order, 1, 2, 3, 4, 5, 6, 7.

As to paragraph 1: The bureau has no information concerning the statements therein contained, except as has been asserted in the record by the alien. It is unnecessary to state that the bureau has never authorized acts of the kind alleged, nor is the

service responsible for anything that may have happened. The bureau has observed that out of the hundreds of cases that have come to its notice but very few complaints of this character have been made, hence it does not feel that without an investigation unsupported allegations should be assumed to be fact.

Paragraph 2: Instructions, as the department knows, have been sent to all inspectors to observe the new rule, and the supposition is that it has been observed. Manifestly the inspecting officer was in error when he failed to take cognizance of the statement of the alien to the effect that he refused to answer without his lawyer. The inspector should then and there, if he had forgotten to carry out the rule, have immediately given him the required notice. The bureau will call this to the attention of the acting commissioner for proper action.

The contention of the attorney for alien as set forth in the concluding part of this paragraph that the entire proceeding was illegal because the arrest had preceded the secretary's warrant, in my judgment is not well founded. It is a matter that counsel may set forth in his brief for the consideration of the bureau and department after the case is reported.

Paragraph 3: The bureau is not in position to inform the district officer how to proceed under this paragraph on the rehearing, as what is legal evidence and what is unlawful evidence is not set forth. There is necessarily a wide latitude given an inspector because in the end his work is not conclusive until after it has been examined by the bureau, and finally by the department, so that if an unlawful act has taken place, or if illegal evidence has been used on the vital points of the case the alien will be protected. There is a question whether or not this paragraph should not be reconsidered in view of the fact that the last paragraph requires that a copy of this memorandum be sent to alien's council. If it is to remain, then the district office should be informed as to what is considered unlawful in the testimony so far taken.

(NOTE.—Paragraph 4 explains sufficiently. Mar. 24/20. L. F. P.)

Paragraph 4: Outside of the first sentence this paragraph constitutes a statement of legal principles the correctness of which as legal principles can not be questioned. As to the first sentence, I believe the reference applies to the failure of inspector to notify alien as to his right to have counsel, and that has already been referred to above.

Paragraph 5: The bureau will take the necessary steps to hold the rehearing as directed.

Paragraph 6: Instructions will be given as directed.

Paragraph 7: The suggestions of the department as to the observations made above under paragraph 4 are awaited before transmitting a copy of the memorandum as directed.

A. CAMINETTI,
Commissioner General.

(Paragraph 4 is self-explanatory.)

(Noted. Mar. 24/20. L. F. P. L. F. F.)

DEPARTMENT OF JUSTICE,
Washington, D. C., March 27, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration, Washington, D. C.
(Attention of Mr. Peters.)

DEAR MR. CAMINETTI: I have been informed that there is being an effort made to reduce the bond in the case of Ivan Dudinsky, alias John Dudinsky. In this connection, I have to refer you to my communications addressed to you under date of January 6 and January 20, 1920, relative to this matter, in which recommendation was made by this office that bond be increased in the case of Ivan Dudinsky and his brother, Jacob, from \$1,000 to \$10,000.

The ground upon which this recommendation was based was due to the fact that Ivan Dudinsky had been particularly active in the communistic circles in New Jersey prior to his arrest. At a meeting of Branch 1 of the Russian Communist Party, the subject who was a delegate to the Communist Party convention read the Communist constitution and urged the adoption of it. This meeting was held on October 7, 1919. He was likewise an organizer of the Second Branch of the Russian Communist Party and was in constant correspondence with Alexander Stocklitzky, the prime mover in the organization of the National Communist Party. He was a member of the First Russian Communist Branch and had many of the records in his room. At a meeting held on November 12, 1919, at No. 17 Charlton Street, he suggested that the members keep their membership cards and papers at home and not carry them on their person and in case of a raid to say that they belong to the propaganda

or the automobile schools. At a meeting held on September 13, 1919, the subject made a report upon the Communist convention held at the Smolny Institute, Chicago. This was a meeting of the First Russian Branch at No. 97 Springfield Avenue, Newark, N. J. The subject was a delegate to the convention of the foreign federations at Detroit, and recommended that a propaganda committee be organized in conjunction with a State committee. This committee was organized with nine members, with Dudinsky as chairman. Its purpose was to arrange mass meetings, to circulate literature, and to denounce the action taken by this Government toward Russia; to organize soviets in all manufacturing plants, to take part in all strikes in order to prepare the American workers to be ready to overthrow this present form of Government at the first possible opportunity, and to provide bail for speakers arrested while lecturing.

As above stated, the subject was a delegate from New Jersey to the national convention of the Communist Party in Chicago, held on September 1, 1919, at which time the manifesto and program of the Communist Party of America was drafted and adopted and upon which the ruling of the Secretary of Labor has been to the effect that the contents of the same is an open advocacy of the overthrow of the Government of the United States by force and violence. Dudinsky was also a delegate to the Detroit convention of the Russian Federation held a week or two previous to the national convention in Chicago, at which plans were laid for the formation of a Communist Party.

I, therefore, feel in view of the fact that this subject was actively identified with the formation of the Communist Party and was the leading agitator in New Jersey among the foreign elements for the creation of communistic groups, that his release at this time upon any bond less than \$10,000 would be inimical to the interests of the Government, and for that reason recommend that the amount of bond be retained at \$10,000.

I would appreciate it if you would advise me as to the action which is taken upon this recommendation.

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

[Telegram.]

DEPARTMENT OF LABOR,
New York March 29, 1920.

BUREAU OF IMMIGRATION,
Department of Labor, Washington, D. C.:

Please act case Ivan Dudinsky bail reduction as discussed, also case Victor Lazarrado, admission case.

CHARLES RECHT.

MARCH 30, 1920.

Supplemental memorandum for the Assistant Secretary.
In re Ivan Dudinsky.

Referring to your memorandum of the 22d instant, you are advised that Attorney Charles Recht has made formal application for a reduction of bail for this alien from \$10,000 to \$1,000. Bail has been held at the first-mentioned figure because of alien's activities in connection with the Communist Party of America. His activities in this direction are commented upon in detail in letter hereunder received from J. E. Hoover, Esq., special assistant to the Attorney General, who urges that the amount of the bond be not reduced.

The bureau concurs in the recommendation contained in Mr. Hoover's letter, for it is its judgment that it would be unwise to release so dangerous an agitator as is this man on a bond in the comparatively small penalty of \$1,000, as it fears that a bond in this sum will not be sufficient to hold him.

A. CAMINETTI,
Commissioner General.

Assistant Secretary.

(Notation on supplemental memorandum.)

You are hereby directed to execute the directions of department memorandum of March 22, 1920, at once hearings de novo and report.

LOUIS F. POST,
Assistant Secretary.

MARCH 31, 1920.

[Telegram.]

DEPARTMENT OF LABOR,
New York City, April 7, 1920.Hon. Louis F. Post,
Department of Labor, Washington, D. C.:

Would appreciate if you would take immediate action reducing bail of Ivan Dudinsky, Ellis Island. Number seven six one dash eight nine nine to three thousand dollars. Called Ellis Island on phone to-day; and they advised me to make application for reduction. Impression was recommendation approved. Your department.

CHARLES RECHT.

9.15 a. m., April 8. Law Div. Expedite. April 10/20. "C." (Noted Apr. 9/20. L. F. P.)

[Telegram.]

DEPARTMENT OF LABOR,
New York City, April 8, 1920.Hon. Louis F. Post,
Department of Labor, Washington, D. C.:

In reference to application reduction bail Ivan Dudinsky, Ellis Island, number seven six one dash eight nine nine. Dudinsky had hearing to-day. Made application for reduction. Please wire instructions to reduce bail to \$1,000 at once. Alien consumptive; has been on Ellis Island since January 3. This is the case about which I spoke to you and in which you authorized hearing for purposes of reduction.

CHAS. RECHT.

9.15 a. m., April 9. Law Div. (Expedite. Apr. 10, 1920.) Noted April 9, 1920. "L. F. P."

Rec. 4/10/20 at 4 p. m. W. W. P.

APRIL 10, 1920.

Memorandum for the Assistant Secretary.

Referring to your instruction hereunder, which is attached to telegram, dated the 8th instant, addressed to you by the Attorney Charles Recht, of New York City, you are advised that the bureau does not recommend the release of the alien Ivan Dudinsky on bond in the low figure of \$1,000, for the reason that it is represented to it, by the Department of Justice, that this man was, previous to his arrest, particularly active in communistic circles in New Jersey; that he was a delegate to the Communist Party convention, read the constitution of the Communist Party, and urged its adoption before a branch of the Russian Communist Party in New Jersey; has been at various times an organizer for organizations comprised of foreigners, the purposes of which organizations are inimical to the best interests of the Government of the United States, has been actively identified with the propaganda work of the Communist Party; has endeavored to organize soviets in manufacturing plants to take part in all strikes "in order to prepare the American workers to be ready to overthrow this present form of Government at the first possible opportunity," and has in other ways actively identified himself with the growth in the United States of the Communist Party, in unlawful and alien organization. The bureau considers it quite unfortunate that it is necessary to permit this man to go at large under any circumstances, for he is quite clearly one of the agitating type who, while enjoying the hospitality of this country and the benefits of its institutions, has endeavored as best he might to foment trouble and bring about a state of disorder and chaos.

A. CAMINETTI,
Commissioner General.

(Reduce bail to \$1,000. Louis F. Post, Asst. Sec.)

CASE OF STANLEY HARNIN.

To offset any contention that the Assistant Secretary, in passing on cases of alien anarchists, believed that they did not come within the law, the case of Stanley Harnin, bureau file 54809/152 is cited. This man was ordered deported by the Assistant Secretary upon the

"interpretation alone" placed on the Communist Party with reference to the act by the Secretary of Labor in the Preis case.

The memorandum of the commissioner general and the opinion of the Assistant Secretary in the Harnin case read as follows:

MARCH 20, 1920.

Memorandum for the Acting Secretary.

In re Stanley Harnin (or B. Harnin), aged 25, single, born Vilna, Russia; landed at Halifax, July 24, 1913; ex steamship unknown, from Rotterdam, en route to the United States on bond.

Warrant is dated December 27 and hearing thereunder was held at Milwaukee on January 6, alien being represented by counsel, who has filed brief. No steps have been taken by this alien to become a citizen of the United States. Alien was apprehended at Vizay's Hall, Walnut and Eighth Streets, Milwaukee. He admits membership in the Communist Party of America, Russian Branch No. 1; was formerly a member of the Socialist Party; admits leaving the Socialist Party at the time of the split and becoming a member of the Communist Party; knows fully and is cognizant of the change and can not in any way be considered an "automatic" member. He admits reading the Communist Party pamphlet *Your Shop*; that many members of his branch had these pamphlets and they were in the hall. He states that his branch met at 324 Fourth Street. He favors the Russian Soviet form of Government, both for Russia and the United States. Counsel for the alien testifies that the Communist Party principles do not come within the scope of the act of October 16, 1918, but inasmuch as the Secretary has already ruled that they do, this becomes immaterial. Alien is also one of three members who signed a note for \$50 for the rent of the hall where his branch met.

The examining inspector recommends deportation, which is concurred in by the inspector in charge at Chicago.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Vilna, Russia, at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

Assistant Secretary.

(NOTE.—Not signed by Assistant Secretary.)

(See Assistant Secretary memorandum Mar. 23, 1920, hereunder.)

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 23, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Stanley Harnin (alleged Communist), No. 54809/152.

There is no evidence in this case which brings the alien within the deportation provisions of the act of Congress of October 16, 1918, or any other immigrant exclusion or expulsion law, except the evidence that he is a member of the Communist Party.

Therefore the only question for the Secretary of Labor to decide is whether or not the Communist Party is an organization, within the meaning of sections 1 and 2 of the act of October 16, 1918, "that entertains a belief in, teaches or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because

of his or their official character, or that advocates or teaches the unlawful destruction of property."

The task of making that decision does not fall upon me, the Secretary of Labor in person having already made it in a case which is identical in the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The Secretary's decision, by which I am bound and with which I agree, was set out in a memorandum in the case of Preis (No. 54709/495). A copy is hereto attached.

Upon that interpretation of the Communist Party documents and the fact hereby found that the alien in the present case is a member of the same Communist Party, and upon that fact and that interpretation alone, it is hereby directed that the alien be deported.

To enable the alien to conserve any rights he may have under the law in consequence of this administrative decision, let all proceedings be suspended for 30 days. Meanwhile, transmit a copy of this memorandum for his information, to the alien's counsel, Joseph A. Padway, Esq., Milwaukee, Wis.

LOUIS F. POST,
Assistant Secretary.

Law Division: Please follow instructions in memorandum. C.

CASE OF LOUIS WIRTH.

Directly opposite is the ruling of the Assistant Secretary in the case of Louis Wirth, bureau file No. 54859/524, and upon practically the same statement of facts. This case can be readily understood by the reading of the report and digest submitted to the Bureau of Immigration by the special assistant to the Attorney General in charge of anarchist matters, and the comprehensive memoranda of the commissioner general submitted with the record of hearing to the Assistant Secretary, who in this case does not hand down a written opinion, but simply notes on the bottom of the bureau memorandum the instructions to "cancel" the warrant and release the alien.

These documents, in the order mentioned, read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 16, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: My attention has been called by the Chicago office of the Bureau of Investigation to the case of Louis Wirth, an alien being held in Chicago under warrant of arrest issued by the Secretary of Labor for membership in the Communist Party of America.

It appears that the subject is a German alien and a graduate of the University of Chicago. He admits being an alien and a member of the central branch of the Communist Party of America. At the time of affiliation with this party he was pursuing a post-graduate course at the University of Chicago; at the time of his examination in the Federal building on January 6, 1920, and at the hearing before the immigration inspector he admitted that he was an active member of the Communist Party of America. His roommate was one Joseph Schaffe, secretary of the Central Branch of the Communist Party of America.

I understand that the defense of Wirth at the time of his hearing was based upon the theory that he is personally opposed to all forms of violence and unlawful means, and that he was prompted in the main to join the Communist Party of America for the purpose of advancing his opportunities to study first-hand social conditions. To my mind such a defense is solely frivolous. I have been informed of a number of other cases and in which the subjects frankly admitted that they were aliens and members of the Communist Party, but declared no personal intention to resort to force or violence. I find, upon referring to the act of October 16, 1918, amending the immigration laws, that it is provided "that any alien who is a member of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence the Government of the United States or of all forms of law shall be deported." This particular provision of the act of October 16, 1918, does

not require that the alien who is a member of such organization shall, in addition to being a member of the same, also actually believe in the principles advocated by the organization. There is an entirely separate provision for those who believe in or advocate the same principles advocated by the organization. I, of course, assume therefore that in all cases where the subject is an alien and membership is proven in the Communist Party of America that an effort to introduce a defense to the effect that the subject himself was not in sympathy with the doctrine of the organization of which he is an active member will be considered as insufficient to justify the cancellation of the deportation warrant. Any other construction could only be considered as reading into the act of October 16, 1918, something which does not appear in the law. Incidentally to this particular phase of the matter, each member of the Communist Party of America was required to sign, upon joining the same, a pledge wherein he stated that he had read the constitution and manifesto of the Communist Party and would endeavor to carry out not only the principles laid down in the Communist program of the Communist Party of America, but also the principles set forth in the manifesto and program of the third international held at Moscow March 2-6, 1919.

In view of the fact that he was well cognizant of the principles of the organization to which he belonged, irrespective of his contention that the joining of the same was for the sole purpose of extending his studies of sociology, the fact remains that he is an alien and a member of an organization declared to be unlawful, and the same is sufficient grounds to warrant his deportation.

I would appreciate an expression of your views in this matter.

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

DEPARTMENT OF JUSTICE,
Washington, D. C., March 16, 1920.

HON. ANTHONY CAMINETTI,
*Commissioner General of Immigration,
Washington, D. C.*

DEAR MR. CAMINETTI: I take pleasure in inclosing herewith a memorandum giving a summary of all the facts in this office upon the activities of Louis Wirth, whose case is before your department in regard to deportation.

I communicated with you under even date, setting forth my views in regard to the legal aspects in this case. Wirth is considered by local officers of the Bureau of Investigation in Chicago to be particularly pernicious in his activities, and I heartily concur with them upon the recommendation that the subject be deported at the earliest possible moment.

Will you kindly advise me of the final action taken in this case.

Very truly yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

DEPARTMENT OF JUSTICE,
BUREAU OF INVESTIGATION,
Washington, March 15, 1920.

Louis Wirth, subject for deportation under the act of Congress, approved October 16, 1918, amending the immigration laws of the United States.

A. *Biographical sketch.*—Louis Wirth is a German alien, 22 years of age. He arrived in the United States on Christmas Day, 1911, at New York port from Hamburg, on steamship *President Grant*, Hamburg-American Line. He is a student at the Chicago University for the degree of master of arts. He is a graduate of the high school of Omaha, Nebr., where he secured a scholarship to the Chicago University. He has never applied for citizenship papers, and is undecided as to his future residence, having under consideration the return to Europe to continue his studies.

B. *Activities.*—Louis Wirth admitted that he had been for two months a member of the Communist Party, Central Branch, 1221 Blue Island Avenue, Chicago, which was being organized for students. He admitted that he has attended various radical meetings. Many radical writings of the Communist Party were found among his effects. He stated that, being a student of economics, he reads every available publication. Wirth stated that he is opposed to violence or the overthrow of the Government by force; that he was prompted to join the Communist Party for the purpose of

advancing his opportunities to study first hand social conditions in connection with his university course.

C. *Federal statute applicable to this case.*—The act of Congress approved October 16, 1918, amending the immigration laws of the United States, provides in part as follows:

" * * * Aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, * * * shall be excluded from admission into the United States."

D. *Decision of the Secretary of Labor.*—The Secretary of Labor, on January 24, 1920, ruled that the Communist Party of America is an organization that entertains a belief in, teaches, and advocates the overthrow by force or violence of the Government of the United States.

E. *Conclusions.*—The conclusions based upon the foregoing facts are as follows:

1. That Louis Wirth is an alien and a subject of Germany.
2. That he is a member of the Communist Party of America.
3. That this party teaches and advocates the overthrow by force and violence of the Government of the United States.
4. That Louis Wirth is therefore subject to deportation under the act of Congress of October 16, 1918.

It is recommended, therefore, that Louis Wirth be deported to the country of which he is a citizen.

Respectfully submitted.

VERA C. BRUNGART.

Approved, March 15, 1920.

J. E. HOOVER,
Special Assistant to the Attorney General.

MARCH 13, 1920.

Memorandum for the Assistant Secretary.

In re Louis Worth or Wirth; aged 22; single; citizen and subject of Germany (race not stated); entered the United States at New York December 26, 1911.

A department warrant issued in this case January 8, 1920, based on an affidavit of a special employee of the United States Department of Justice, founded on information and belief, to the effect that alien is an active member of the Communist Party of America, and that he is an anarchist and believes in and advocates the overthrow by force or violence of the Government of the United States. He was accorded a hearing under the warrant at Chicago, Ill., February 4, 1920, being represented by counsel.

The testimony shows that he was arrested on the night of January 2, 1920, and that on January 6 he was examined by a special agent of the Department of Justice. A transcript of this examination was offered in evidence at the hearing (Exhibit D), the attorney waiving identification of same. Alien testified at that time that he had been a member of the central branch of the Communist Party, 1221 Blue Island Avenue, Chicago, for about two months; that this branch was in an embryonic or formative state, being formed for the students; that his roommate, Joseph Shaefir, was temporary secretary at one of the meetings of this branch; and that, being a student of economics, he reads every available publication on that subject, and has attended radical meetings at various places. When questioned by the examining inspector at the hearing regarding membership in the Communist Party the alien, in substance, reiterates his statements made before the special agent of the Department of Justice. From further evidence presented at the hearing it is evident that alien is a young man of superior intelligence. He is highly spoken of by the professors of the University of Chicago, of which institution he is a graduate, and letters attached to the record speak very highly of his character and ability.

While alien admits membership in the Communist Party of America he testified that he was not issued a membership card, and that he did not file an application for membership; that this was brought about by his friend and roommate proposing his name as a member and paying for him the usual initiation fees and dues amounting to something like 50 cents, which he promptly paid when informed of the exact amount. He was questioned as to his beliefs in Communist Party doctrines, and while he states that he subscribes in part to their teachings, he is opposed to all features embodying force or violence or the overthrow of government, and when asked why he belonged to the Communist Party if he did not believe in it, he explains that he was a student of social and political science, and that at the time he is supposed to have joined the party he was writing his master thesis in the department of sociology,

and in some phases of the Communist movement, and that for this reason he felt it was necessary for him to come in direct contact with the Communist Party.

Regardless of the extenuating features connected with this case, it is certain that, being a student of economics and sociology, and having read the manifesto and program and constitution of the Communist Party of America, as well as the manifesto of the Communist Internationale and other Communist Party publications, he may be said to have joined himself to the Communist Party with his eyes open, and it is evident that he is in a better position to understand the meaning of the movement and to intelligently decide the question whether he desired to make himself a part of the movement than the great majority of men, found to be members, and the knowledge undoubtedly gained of said party did not cause him to refrain from joining it or cause him to sever his connection with that movement.

Being a man of intelligence and supposed influence, the example set by him and the influence accruing to an unlawful movement are even more injurious to the Government than would result if he were a person lacking education and influence.

Alien is at present at liberty on bond.

The examining inspector recommends deportation, which is concurred in by the inspector in charge at Chicago.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor; this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Germany at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel.

LOUIS F. POST,
Assistant Secretary.

Alien at large on bail.

(On slip of paper pinned to above: Law Div.: If release has not gone out it should not be delayed. Mar. 23/20. C.)

CASE OF ANTONIO PANEPINTO.

In the light of what has already been shown and what will hereafter be shown regarding the decisions, rules, regulations, etc., as made by the Assistant Secretary to suit the particular and individual case at hand, of interest are his words as expressed in a written opinion handed down by him under date of March 26, 1920, in the case of Antonio Panepinto, Bureau file No. 54766/387, wherein he says:

Nor can the Secretary's discretion under the law be limited by rules even though he has approved the rules.

CASE OF FRANK ODOBINA.

The Assistant Secretary has shown that in deciding cases he is following literally the statement contained in his memorandum handed down in the case of Thomas Truss, hereinbefore referred to, and particularly that portion in which he mentions giving the alien the benefit of every doubt. This is borne out by his decision handed down in the case of Frank Odobina, bureau file No. 54709/879. This decision reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 6, 1920.

For: Commissioner General of Immigration.
From: Assistant Secretary.
Subject: In re Frank Odrobina.

The alien's sworn statement while in the custody of the special agent of the Department of Justice, made as a prisoner and without notice of his right to counsel or warning that his statements might be used against him, are not sufficient to make a *prima facie* case. Reopen for proof other than the alleged admissions of the alien while he was under duress.

LOUIS F. POST,
Assistant Secretary.

CASE OF WILLIAM ZOBEC.

Special attention is called to bureau file 54860/34, wherein there are two memorandas, one prepared by the Bureau of Immigration and signed by the Commissioner General under date of April 8, 1920, and on that date sent to the department for the Assistant Secretary's decision. On the morning of April 9, 1920, this file was returned to the Bureau of Immigration with a memorandum dated March 10, 1920, which memorandum was evidently written by Mr. Davidge (one of the conciliators connected with the department and who, it is understood, has been assisting the Assistant Secretary to review and pass upon cases). It is believed that this memorandum bearing date of March 10, 1920, was really dictated and written in the Assistant Secretary's office on April 8, 1920, for the reason that this case was sent to the department on April 8, 1920, and returned on the morning of April 9, 1920, with both memorandums attached thereto. The memorandums mentioned are as follows:

APRIL 8, 1920.

Memorandum for the Assistant Secretary.

In re William Zobec, Croatian; aged 45; married; entered at New York on November 18, 1907, steamship *Amsterdam*.

Warrant was issued on January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons set forth in the warrant, copy of which is in the record.

Hearing was accorded at Fort Wayne, Detroit, Mich., on February 7, 1920, the alien being represented by counsel. The record shows that he is married, his wife and four children, one native born, being in the United States. He testified that he joined the Socialist Party in 1911 or 1912; that his branch or party was splitting, but that he never filled out an application and didn't join the Communist Party. Immediately following his denial of membership in the Communist Party the alien admitted that he paid his dues in that party two days prior to his arrest; that his dues were three months behind and his branch had only Communist Party dues stamps; that his entire branch became a part of the Communist Party and there is no more Socialist Party in Michigan; that he attended a mass meeting when there was a big discussion about the change; that he doesn't believe in the principles and doctrines of the party. He admitted that he attended meetings of the party when he had the time. Exhibit B, in the record, is a statement made by the alien before an agent of the Department of Justice on January 7, 1920. In that statement he testified that he was a member of the Communist Party of America, South Slavic Branch No. 17; that his membership card was taken by the officers at the time he was arrested.

The alien's membership card is in the record and shows that his dues were paid in the Communist Party for the months of October, November, and December, 1919. He testified that he was told that the Constitution of the United States did not prohibit political organizations, and, therefore, he made no effort to determine whether the Communist Party was against the Government; that since he has learned that the party is against the laws of the United States he does not intend to continue to be a member thereof; that he would have withdrawn from the party before if he had known that it was opposed to Government; that he does not believe in the overthrow

of the Government by force; that he believes in the education of the people. The alien is at liberty under bond.

The unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership, or affiliation or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceedings. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining officer and the inspector in charge at Detroit recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Jugo-Slavia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

Assistant Secretary.

(Not signed by Assistant Secretary.)

MARCH 10, 1920.

(Further consideration required. J. M. L.)

Memorandum for the Assistant Secretary.

In re William Zobec, aged 45; Croatian; literate; wife and four children; entered at New York, N. Y., November 18, 1907, steamship *Amsterdam*; woodworker by occupation; at large on bond.

Warrant issued January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons stated in the warrant, copy of which is in the record.

Hearing was accorded the alien at Fort Wayne, Detroit, Mich., on the 7th of February. The alien was represented by counsel. The testimony shows that he had taken out first citizenship papers in 1913; that in 1911 or 1912 he joined the Socialist Party; that "I was member there, and when that was that they divided, so I didn't like to be a member any more, only I have Socialist Party. The whole party was splitting, so I didn't join it;" that he last paid his dues two days before his arrest, the date of which can only be approximately fixed by the time of his examination before the special agent of the Department of Justice, which was on January 7, 1920; that at that time he was behind for three months in his dues, and that "they didn't have any other dues stamps so they give me this and they say it is the same, but it was coax me back, but I was not satisfied, not satisfied to-day, and I don't know myself what is wrong."

A Communist Party membership card was offered in evidence bearing three stamps, for October, November, and December, which is in accordance with the alien's testimony. At that time he says he did not know the change in the Socialist and Communist Parties had taken place. He further testified that he had never made out an application for membership in the Communist Party. The card itself recites that he was admitted April 15, 1919, which was something like five months before the organization of the Communist Party.

About the middle of December he attended a mass meeting at which the Communist Party was discussed. This was before he paid his dues, but he was then in arrears in the Socialist Party. He said he did not know the principles of the Communist Party; that they, evidently meaning those who attended the mass meeting, told him they would send him a constitution and by-laws, but did not do so, and that he had never seen them.

The record of his examination before the representative of the Department of Justice was offered in evidence and is in the record. He there says that he is a member of the Communist Party, which standing alone would indicate that he really was a

member of that party, but this must be taken in conjunction with his explanation. He was asked the question "When did you join the organization?" to which he replied "I joined the Socialist Party in 1912 and last September that party adopted the program of the Communist Party of America and I automatically became a member of the Communist Party of America." The very idea conveyed by the word "automatically" forbids his membership in the Communist Party. The utter absurdity of anyone automatically joining any political party where the creed or the belief is the essential thing to be accepted is apparent. The only way in which this man could have joined this party was by his own voluntary act, and automatism forbids voluntaryism.

The record shows that the alien has an equity in property of the value of \$2,400.

The immigrant inspector and the inspector in charge at Detroit recommend deportation.

The bureau recommends the cancellation of the warrant and the discharge of the alien.

Commissioner General.

(Not signed by Commissioner General.)

Cancel.

LOUIS F. POST,
Assistant Secretary.

It will be observed that both of the above memoranda refer to the same case. One is signed by Commissioner General Caminetti, and was written by his law division. The other is not signed by the commissioner, did not express his views on the case, and is the one accepted by Assistant Secretary Post.

CASE OF VASIL KLIMOVICH.

Bureau file No. 54680/160.

In re Vasil Klimovich or Vasili Klimovic or William Klymowich or Wasil Klemovitch, communist.

The above-named Russian alien was taken into custody at New York, N. Y., under departmental warrant of arrest dated January 12, 1920, on the basis of prima facie evidence furnished by Special Agent Frank R. Stone, of the Department of Justice, at Newark, N. J. The alien was given a hearing under the warrant of arrest in regular manner and a record of that hearing submitted to the bureau. Upon review of this record, the bureau reached the conclusion that the alien was a member of the Communist Party, which organization had previously been passed upon by the Secretary of the department as anarchistic.

It is desired to point out that when the case was finally submitted to the Assistant Secretary for his review, the examining officer at New York, the reviewing officer there, the reviewing officer in the bureau, and, finally the Commissioner General, were agreed that the decision for deportation was correct. The documentary evidence in the case showed that the alien in question was a member of the Communist Party of America, and he did not deny that he was, merely refusing to answer the questions put to him, apparently upon advice of his counsel.

On page 15 of the record of hearing it is noted that the alien made a motion, through his attorney, who was present at the hearing, that the warrant of arrest in the case be canceled and that he be discharged without delay on the ground that the Government had failed to establish and prove his case.

The Assistant Secretary, upon reviewing the case, declined to concur in the recommendation of the bureau that the alien be deported, b

instead directed that the alien's motion, referred to in the preceding paragraph, be granted. This direction, of course, had the effect of canceling the warrant. The Assistant Secretary further directed, in order to give the Department of Justice officials an opportunity to present further prima facie proof of the alien's membership in the Communist Party, that a new warrant of arrest be issued.

In connection with the above proceedings, it is desired to point out that if the Assistant Secretary conscientiously believed that the evidence in the case did not properly support the charges in the warrant and desired to give the Department of Justice an opportunity to furnish further prima facie proof of the alien's membership in the organization, he could, under the summary procedure followed in immigration cases, have directed that final decision be held in abeyance and the case reopened for the submission of such proof, instead of directing the institution of warrant proceedings de novo. By so doing he could have saved the bureau the time, labor, and expense involved in the institution of new proceedings.

CASE OF CHARLES BUISSES.

Bureau file 54134/186.

In re Charley or Chas. Buisses, alias Capuses.

The above-named alien is a Russian who was arrested under departmental warrant at Chicago, Ill., in May, 1916, on the charge that he has been assisting prostitutes or promising to protect from arrest prostitute or prostitutes.

Upon the aforesaid warrant this alien was accorded a hearing in the usual manner, his attorney, A. L. Gettys, being present. The record of hearing was submitted to the bureau, accompanied by the recommendation of the examining officer and the reviewing officer at Chicago that the alien be deported. It was fairly shown by the record that this man had been assisting prostitutes in plying their trade. At the time of the hearing at Chicago he was an inmate of the house of correction, being then held on a bond of \$3,000 to await the action of the grand jury on a charge of pandering. Upon reviewing the case the bureau recommended the alien deported to Russia at Government expense, which recommendation was concurred in by the department. Accordingly a warrant was issued for the alien's deportation under date of May 24, 1916, said warrant being signed by J. B. Densmore, then Acting Secretary of Labor.

The record next shows that upon appeal of the alien's attorney, A. L. Gettys, the department, under date of December 23, 1916, directed that the alien's deportation be stayed and that his case be reopened at Chicago for submission of any additional evidence which the attorney might have to offer. A rehearing was accordingly granted and a record of same presented to the bureau. Upon review of this rehearing the bureau decided that no new facts were developed which would justify it in changing its previous recommendation, and again it submitted to the department a recommendation for deportation.

The Assistant Secretary passed upon the case, and under date of June 20, 1917, approved the bureau's recommendation for deportation.

On June 26, 1917, the bureau addressed letters to the inspector in charge of immigration at Chicago, Ill., Attorney A. L. Gettys, of the same city, and Congressman Martin B. Madden (whose interest in the case is not disclosed by the record), advising that the order of deportation previously issued would stand.

The record next shows that the bureau received on July 2, 1917, the following letter:

CHICAGO, ILL., June 28, 1917.

Hon. LOUIS F. POST,
Washington, D. C.

DEAR MR. POST: I am inclosing herewith a letter from your department. I beg leave to state that in my judgment this is quite an unjust thing. The young man got a record against him on evidence manufactured by the police, entirely through prostitutes, without counsel, and the prostitutes were allowed to go free. (I said the boy had no counsel; he did have a counsel appointed by the court immediately upon the trial of his case. That is the greatest farce that was ever perpetrated. It would have been lots better for him to have gone alone. He would have gotten the sympathy of the jury.)

He has already served six months in the house of correction for something that I feel very certain he is innocent of. If you could have one look at this young man, you would be entirely satisfied he is innocent. The man is not a "pimp." He is working every day; never loses a day's time, except through illness, or the necessity of being in court; besides, you know me well enough to know I have always been inclined to uphold the weak, the same as you have, and in my judgment, in this case, the young man is absolutely innocent, and he would make a good citizen.

I hope that this decision of your department will be reconsidered.

Yours, very truly,

A. L. GETTYS.

With the receipt of the foregoing letter and attached thereto was the following memorandum:

BUREAU OF IMMIGRATION.

Return with file and suspend deportation pending further instructions.

L. F. P.

No further action has been taken in this case. Under date of January 18, 1917, the department ordered the release of the alien under bond in the sum of \$1,000 and so far as the bureau has knowledge, he is still at large on that bond.

The record in this case shows that proceedings on the part of the bureau were regular and fair in every way. Obviously the Assistant Secretary must have believed that they were fair and that the evidence was sufficient to establish the charges against the alien until receiving the above letter from Mr. Gettys, evidently his personal friend. As against the action of the local Chicago court in imposing a fair sentence upon him and the recommendation of the Bureau of Immigration for his deportation upon practically the same charge, is the mere opinion of Mr. Gettys, which opinion the Assistant Secretary decided to accept, resulting in the reversal of his own previous decision.

CHANGE OF RULE 22.

For some considerable time there had been a persistent effort on the part of some one connected with the Department of Labor to give aliens arrested for violation of the act not only the benefit of every reasonable doubt, but the benefit of every doubt whether reasonable or not, and, in fact, to give him every assistance in besting the Government.

Regulations and rules have been promulgated in connection with the various acts of Congress pertaining to immigration, and, among others, one known as rule 22, which relates to procedure in arrest cases. Originally this rule instructed that "during the course of the hearing" after the Government's interests had been subserved, the alien should be notified of his right to be represented by counsel, and if he went on record as desiring counsel to appear in his behalf, the hearing should be deferred in order to enable him to obtain counsel and to enable counsel to be present, the latter having the right to examine the record so far made, the evidence on which the warrant of arrest was based, the warrant itself, to cross-examine witnesses, and to introduce any evidence on behalf of the alien that he might desire; also to submit a brief or argument. This rule had withstood attacks in various courts throughout the United States, and was made for the sole purpose of giving the Government an "even break" with the alien. It has, however, recently been changed back and forth without question as to the Government's interest, but carefully looking after the alien's interest in detail.

A letter written by the Commissioner of Immigration at Ellis Island with reference to the changing of this rule, while setting forth his individual opinion and experience, really sets forth the opinion and experience of practically all field officers in the Immigration Service throughout the United States handling that class of cases.

Under date of December 30, 1919, a memorandum was prepared on this subject by the Acting Secretary and approved by him. This memorandum, it will be noted, changes the rule in question back to its original form. A letter to the bureau, dated January 22, 1920, written by the Special Assistant Attorney General in charge of anarchist matters for the Department of Justice also touches on this rule.

Under date of January 27, 1920, the rule was again changed in favor of the alien.

These documents, in the order mentioned, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y.
COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Under date of April 5, 1919, No. 54645/378, you notified this and other offices of change in paragraph (b), subdivision 5, of rule 22, relating to warrant proceedings. Neither at that time nor subsequently were any reasons given why the rule in question was altered by stating "at the beginning of the hearing under the warrant of arrest, the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued, and shall be apprised that he may be represented by counsel," instead of allowing it to remain as originally written, viz, "During the course of the hearing the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued; and at such stage thereof as the officer before whom the hearing is held shall deem proper, he shall be apprised that he may thereafter be represented by counsel," etc.

When the notice of change was received, there was no doubt in my mind that the granting of these hearings would be much complicated and, as to certain classes of cases, the Government very greatly hampered in securing essential facts, by reason of the change in question. Experience has more than justified my apprehension in this respect. The only object of these hearings is to secure the facts as to whether an alien is or is not in the United States in violation of law, so that the Secretary may take appropriate action concerning him.

Certainly those aliens who are not here in violation of law have no reason to refrain from making a frank and truthful statement upon any such question. It has been

held by the courts that the immigration law is one of "Police and public security" (see the Japanese Immigrant Case, 189 U. S., 86), and if we proceed in such hearings according to "due process of law," it seems to me that no fair-minded person, and certainly no court, will criticize or interfere with us. It seems most inadvisable for the Government to tie its own hands by such a change in this particular paragraph, which has been promulgated in the printed regulations.

Criminals and those of the anarchistic class who ordinarily would more or less frankly state essential facts, absolutely decline to do so upon advice of counsel. This is not always or, in fact, frequently due to the belief that deportation would be a punishment; nor do I feel that, as to this class of cases, such a course is a punishment. Nevertheless, counsel advises them to decline to furnish essential facts, so that they may remain here and continue the teaching and practicing of their unlawful doctrines. Expulsion of the class of aliens in question is for the welfare of the United States, and most assuredly we should not voluntarily make rules and regulations which will prevent the execution of the law and set aside the protection to the country for which our statutes were enacted.

For many years the regulation in question stood the test of the courts in this district—and, so far as I am aware, in other districts—and why this change should be put into effect at a time when it is so essential to rid the country of the radical element which is endeavoring to pull it down, is beyond my comprehension. I most earnestly and urgently recommend that the rule, as it previously existed, be restored to the regulations.

BYRON H. UHL,
Assistant Commissioner.

DECEMBER 30, 1919.

Memorandum for the Acting Secretary.
In re proposed amendment of rule 22.

The bureau has for some months past had under consideration the advisability of changing paragraph b, subdivision 5, of rule 22, immigration rules, back to substantially the form in which it existed prior to March, 1919. Said paragraph in its present form reads as follows:

"At the beginning of the hearing under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued and shall be apprised that he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the conduct of the hearing, and to offer evidence to meet any evidence presented or adduced by the Government. * * *"

After a careful consideration, having in mind the protection of the interests of the Government to the fullest extent possible consistent with a fair hearing, so far as the affected alien is concerned, the bureau suggests that the portion of the paragraph above quoted be supplanted by the following:

"Preferably at the beginning of the hearing under the warrant of arrest or at any rate as soon as such hearing has proceeded sufficiently in the development of the facts to protect the Government's interests, the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued and shall be apprised that thereafter he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the further conduct of the hearing and to offer evidence to meet any evidence theretofore or thereafter presented or adduced by the Government. * * *"

The adoption of the amendment proposed would be a virtual return to the rule as it existed prior to March, 1919, which rule, while made the subject of criticism in a few scattered decisions rendered by district courts, met with almost universal approval by the courts, particularly the circuit courts of appeal and the Supreme Court. The bureau knows of no case in which a writ of habeas corpus was sustained by reason of the fact that the rule excluded counsel from the hearing during its preliminary stage. On the other hand, the rule as it then existed made for an expeditious handling of the cases, and, it is believed, did no substantial injury to the alien being heard, who went ahead with his testimony, undoubtedly telling the truth in most instances as he saw it, without being hampered by the advice of counsel, in all too many instances to the effect that he either refuse to answer questions or that he testify along certain lines only.

In the bureau's judgment, an immediate change of the rule in the manner and to the extent above suggested is extremely desirable. If you will indicate your approval of

the matter, an amendment to the rule will be prepared, in circular form, for distribution to the various field stations.

The bureau's attention has recently been directed, through the arising of a number of cases in which the point has been raised, to the fact that rule 22 does not now contain in subdivision 1 thereof, enumerating the divisions into which aliens who may be arrested and deported fall, any provision directly covering the case of a Japanese alien who has entered the United States in violation of rule 11 of the President's proclamation therein quoted, and of the so-called gentleman's agreement. To meet this omission the bureau now suggests that there be added to subdivision 1 of rule 22 a paragraph reading as follows:

(w) Any alien who shall have entered the United States in violation of so much of the immigration act of February 20, 1907, as is cited in the proclamation of the President issued February 24, 1913, quoted in rule 11 of these rules, and in violation of said proclamation and said rule; limitation three years; not retrospective."

There should be a footnote to the new paragraph reading as follows:

"1. Warrants issued on this ground will cite the 1907 statute. While the sixth proviso to section 3 of the 1917 act repeats the last proviso to section 1 of the 1907 act, it was not deemed necessary to issue a new proclamation, inasmuch as the one issued February 24, 1913, was 'an act * * * done' and a 'thing or matter * * * existing' when the 1917 act took effect, and was therefore saved intact by the last proviso to section 38 of the 1917 act. The provision is classed as 'not retrospective' because in this instance dependence is had upon the old, not upon the new, law.

"In connection with this matter, see Annual Report of the Commissioner General of Immigration for the fiscal year 1908, pages 125, 126."

In support of the foregoing, see memorandum prepared by Mr. Parker.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE,
Acting Secretary.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 22, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: I desire to call to your attention a matter which I consider to be of vital importance to the successful termination of the cases pending before the immigration officers of aliens who are members of the Union of Russian Workers. As you have no doubt been advised, Judge Knox, of New York, ruled in the case of Gregory Weinstein that where the warrant of arrest issued by the Secretary of Labor contained the proviso that the subject was to be released "pending further proceedings" upon the bond fixed by the Secretary of Labor, that it was incumbent upon the immigration officers to release the subject, notwithstanding the fact that he had refused to submit to a preliminary examination provided for in rule 22 of the immigration regulations. I believe a careful reading of the decision of Judge Knox will also lead one to the conclusion that it lies within the province of the Secretary of Labor to change the wording of the warrant so as to prevent the arising of such a situation. In other words, the warrant may contain the provision that the subject is to be released upon a certain bond after having submitted to the preliminary examination provided for in the release of the immigration regulations. Of course, the situation might be met by fixing the bond at a higher amount. However, I believe that the Secretary of Labor is not desirous of placing the bond of the Communists at more than \$1,000, except in cases where there are aggravating circumstances. However, in view of the ruling of Judge Knox, rule 22 is virtually of no value and for that reason I desire to urge upon you for your earnest consideration the advisability of changing the phraseology of the bond clause in the warrant which will enable the enforcement of rule 22 and the accomplishment of the ends of justice.

At the present time, under the ruling of the New York court, the subject is released and is then advised by counsel that he should answer no questions concerning his alienage or concerning his activities, which virtually defeats the ends of justice and prolongs the hearings an unreasonable length of time.

Will you kindly advise me as to the action which you decide to take in this matter?

Very truly, yours,

J. E. HOOPER,
Special Assistant to the Attorney General.

To all commissioners of immigration and inspectors in charge:

The following instruction, dated January 26, 1920, and issued by the Secretary of Labor, is hereby promulgated for the information and guidance of all officials of the Immigration Service:

(1) That the amendment to paragraph (b), subdivision 5, of rule 22, approved December 30, 1919, is hereby canceled and the rule restored to read as follows:

"(b) At the beginning of the hearing under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued, and shall be apprised that he may be represented by counsel," etc.

(2) Whenever an attorney advises the immigration officer in charge that he has been retained by some third person or association as counsel for the alien, the alien shall forthwith be informed of the fact and allowed to accept this counsel if he so desires.

(3) Any attorney who presents himself upon his own initiative as counsel for any alien shall be denied the privilege of acting as counsel unless and until the alien expresses a desire for such counsel.

(4) In every case where a hearing can not be had immediately the alien will be admitted to bail pending hearing.

(5) The fact that an alien refuses to testify in his own case shall not be held as grounds for refusing bail.

A. CAMINETTI,
Commissioner General.

By direction of the Secretary.

Exact copy as signed by A. Caminetti mailed January 29, 1920, by——.

Rule 22 as it reads at the present time has been carefully followed in the handling of all of the recent anarchist cases and would seem to have given the alien sufficient benefits without surrounding him with the additional protection as has been done by the Assistant Secretary of Labor in the various cases and decisions cited herein. That there is no court precedents to uphold these rules arbitrarily made by the Assistant Secretary is indicated by the fact that when Judge Anderson recently gave attorneys for aliens an opportunity to cite such decisions, they could not do so. This is shown in a report to the bureau made by the commissioner of immigration at Boston, dated January 15, 1920, and reads as follows:

UNITED STATES DEPARTMENT OF LABOR,
OFFICE COMMISSIONER OF IMMIGRATION,
Boston, Mass., January 15, 1920.
COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

As reported to the bureau by telephone yesterday, hearing was held this morning before Federal Judge George W. Anderson on the petition filed two days ago on behalf of 112 alleged communists by Attorney Thomas G. Connolly, of this city. Copy of Mr. Connolly's petition is inclosed herewith for the bureau's information.

An answer was filed by Mr. Goldberg, assistant United States district attorney, admitting custody of all the 112, unless upon carefully checking up the names in the petition it should later develop that some of the men were not in custody, it appearing upon a hurried checking up that 64 of the 112 were names of people unknown to us; but denying all other allegations that may have been set forth in the petition. Mr. Goldberg also filed a motion questioning the authority of Mr. Connolly to appear as attorney or as next friend in these cases. The court allowed Attorney Connolly to make a statement, not under oath, to the effect that in about 32 of the cases he had been retained, either in person or by letter or by telephone, by wives or relatives of the aliens, but that in the balance of the cases he had been retained by a "committee." As to these latter, the court held that the authority was not sufficient, but as to the others the hearing proceeded.

An agreed statement of facts was drawn up by counsel for both sides setting forth in substance that warrants, similar to one filed with the answer in one of the cases, had been issued and served in each of the cases of the men in our custody, signed by the Secretary or the Assistant Secretary of Labor.

The only issue before the court this morning, therefore, was as to whether or not the warrants were defective in that they simply followed the language of the statute

and did not specifically set forth the act or acts for which the aliens were arrested and with which they were charged, such as the name of the organization to which they belonged, who the officers were, when the organization was formed, etc.

The authorities cited by Mr. Goldberg for the Government, and by Mr. Connolly for the petitioners, are set forth in memorandum inclosed.

During the course of the arguments Judge Anderson stated that "We are not on the hustings," but were concerned merely with what the law was and not individual opinions as to what the law ought to be. He asked the question of Mr. Connolly if the latter could point out to him anything in the law or decided cases showing that if a warrant was defective, or even if no warrant was issued or served or a return made thereon, deportation proceedings could be upset or could be held to be unfair if thereafter an alien was apprised of the charge against him, was given an opportunity to be represented by counsel, and allowed to introduce evidence, cross-examine the witnesses against him, etc., to which Mr. Connolly replied with an argument but with no authorities.

At the conclusion of the hearing Judge Anderson dismissed the petition without prejudice, stating that he would entertain an amendment to the petition if Mr. Connolly desired to make one, asking bail for these men pending a hearing by the immigration authorities, and would hear both sides on the question.

He further stated that if Mr. Connolly had exhausted his remedies before the immigration department he then desired to file a petition alleging an unfair hearing, then he would hear anything in the way of testimony as to the manner in which these men had been taken into custody in this raid, held incommunicado at Deer Island, their mail censored, and any and all circumstances bearing on the question of whether they had been treated as men should be treated and whether or not they had been accorded a fair hearing.

The bureau will be advised of any further developments.

H. J. SKEFFINGTON, *Commissioner*.

SPEEDING UP OF FINAL DECISIONS.

That the Bureau of Immigration, on account of its limited help, was swamped with the large number of anarchist cases arising out of arrests of members of the Communist Party and members of the Union of Russian Workers, is without question. The Assistant Secretary, however, seems to have had a much larger capacity, or else he was not examining the record of the hearings with care. At any rate he was canceling warrants, and paroling aliens without bond almost as fast as he could sign his name, and not satisfied with that was calling for more cases and more action. The bureau on the other hand was trying to review the cases properly in order that no injustice would be done, and was opposed to the policy of releasing anarchists on the community on parole or small bonds.

This is clearly shown by the memoranda that passed back and forth between the Commissioner General and the Assistant Secretary regarding these subjects.

The memorandas in question read as follows:

MARCH 24, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Disposition of aliens charged with being members of the Communist Labor Party.

It is my understanding that departmental warrants have been issued for the arrest of a considerable number of aliens as members of the Communist Labor Party, the exact status of which with regard to the act of October 16, 1918, has not yet been determined by the Secretary. Since it now appears probable that the Secretary may not be able to rule on that point for a considerable time, you are directed to take the following action in Communist Labor Party cases, for the purpose of eliminating hardships not necessary to protect the interest of the Government.

1. Instruct all inspectors in charge immediately that they parole to counsel aliens who come within the above-mentioned classification, if the inspector in charge knows counsel for the alien to be of good standing and reputation.

2. In cases where parole to counsel can not be effected but the inspector in charge is satisfied that the alien will appear when wanted, instruct the inspector to release upon the alien's own parole.

3. The foregoing instructions do not apply to arrested aliens not now in custody.

4. Instruct inspectors in charge to transmit, not later than March 31, the names of aliens in their custody who come within the above classifications but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable.

5. Transmit to the department the reports of disposition of cases referred to in this memorandum.

LOUIS F. POST,
Assistant Secretary.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 25, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Communist Party cases.

The bureau is becoming dilatory in transmitting Communist Party warrant cases to the department for decision. Comparatively few of these cases have been received by the department since March 18, and none at all were received yesterday.

You are hereby directed to transmit by bearer not less than 10 files in these cases.

LOUIS F. POST,
Assistant Secretary.

Yesterday I was engaged in Department of State matters and endeavoring to arrange matters to facilitate deportations to Russia (Soviet) particularly. Also prepared and sent you memoranda on three subjects in connection therewith. To-day in addition to usual work am acting as far as I can in place of Mr. Peters, who has been detailed to New York.

MARCH 25, 1920.

C.

Noted March 25, 1920.

L. F. P.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 27, 1920.

For: The Commissioner General of Immigration.

From: The Assistant Secretary.

Subject: In re parole of aliens, No. 54844/190.

Your appeal to the Secretary by memorandum of March 26, 1920, from decision of the Assistant Secretary in re Communist Labor Party cases, made in his memorandum of March 24, has been noted and transmitted to the Secretary.

Pending decision thereon by the Secretary, you are hereby directed to execute the directions of the Assistant Secretary's memorandum of March 24, which require (1) instructions to inspectors in charge to parole to counsel aliens who are under arrest upon the charge of being members of the Communist Labor Party, if the inspector in charge knows counsel for the alien to be of good standing and reputation; (2) in cases in which parole to counsel can not be effected, but the inspector in charge is satisfied that the alien will appear when wanted, instructions to release upon the alien's own parole; (3) the foregoing directions not to apply to arrested aliens not now in custody; (4) instructions to inspectors in charge to transmit, not later than March 31, the names of aliens in their custody who come within the above classifications but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable; (5) transmission to the department of the reports of disposition of cases referred to above. Copy attached.

LOUIS F. POST, *Assistant Secretary.*

Noted. C.

MARCH 31, 1920.

Memorandum for the Assistant Secretary.

Your memorandum of the 27th instant, in re parole of aliens, I am informed, was received in the bureau after office hours on the 29th, and having by some one been attached to file No. 54844/190, was not found immediately, as I was looking for it elsewhere than in a Communist Party file. The bureau notes that the appeal has

been sent to the Secretary; but since you are proceeding with the subject of said appeal as though it had not been taken, the bureau does not care to bother the Secretary with taking up a matter upon which you propose to act, notwithstanding the appeal was taken by the bureau as provided by the memorandum of the Secretary of January 7, 1916. Therefore, the bureau respectfully withdraws the appeal heretofore entered herein.

A. CAMINETTI,
Commissioner General.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 27, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re disposition of warrant cases.

The number of records in warrant hearings transmitted to the department by the bureau during the past week is not sufficiently large to give promise of an expeditious disposal of the extraordinarily large number of cases now outstanding. It is therefore directed that beginning with Monday, March 29, the bureau transmit not less than one hundred (100) records per day until all the warrant cases are disposed of.

In transmitting records divide them into the three classes described below.

Should the number of cases available upon any given day within the first class fall short of the daily quota, transmit a sufficient number each day from the second class, and, if necessary, from the third to make up the deficiency.

The order of priority in transmitting those classes shall be as follows:

1. Cases in which a memorandum with or without recommendation is submitted under the signature of the commissioner general or other duly authorized officer of the bureau.

2. Cases in which a memorandum with or without recommendation has been prepared in the bureau but to which the signature of the commissioner general has not been attached.

3. Cases in which no memorandum has been prepared by the bureau.

It is also directed that each inspector in charge be immediately instructed by wire to telegraph the number of warrant cases outstanding within his jurisdiction at the close of business to-day in which he has transmitted no hearings.

LOUIS F. POST,
Assistant Secretary.

MARCH 27, 1920.

Memorandum for the Assistant Secretary:

The bureau is in receipt of your memorandum of this date in re disposition of warrant cases. The bureau will endeavor to comply with your request as to the number of records to be sent daily. If circumstances occur that prevent the same from taking place, it will inform you thereof.

The bureau has not, of its own motion, sent unsigned memoranda to the department. Those that have reached you have come either at your own request or in other ways, for which the bureau is not responsible. Telegrams, as directed, have been sent to all stations.

A. CAMINETTI,
Commissioner General.

BUREAU OF IMMIGRATION,
March 30, 1920.

Memorandum for the Assistant Secretary.

Subject: Delivery of quota of warrant cases.

In answer to your first memorandum on this subject, I said that I would do the best I could in connection with the other work, with a view to supplying the 100 cases each day. It is, of course, a difficult undertaking to study and determine upon a recommendation to be made in so considerable number of cases in a day of the importance of the cases arising under the anarchist provisions of the immigration law.

The bureau regrets that it has been asked to send unsigned memoranda to the department in the class of cases referred to, as the bureau believes that good administration requires that it act upon and express itself in each case that comes to it from the field service.

There are many things arising daily in the bureau to require my attention—matters which I must consider and attend to. I trust that this fact will be taken into consideration by you.

I beg to state, in this connection, that I have read and considered over half of the cases which are now in the bureau and in which tentative memoranda have been prepared. Obvious need for changes in some of these memoranda and need for discussing others with the law officer of the bureau have prevented my transmitting them to you for decision at an earlier date. Also, there was returned to me night before last, for consideration and correction where necessary, the testimony recently given by me before the House Committee on Appropriations. Two or three demands have already been made upon me for the return of this transcript.

I trust that the foregoing will be accepted as constituting a sufficient reason for not meeting the requirements incident to supplying you with 100 cases daily up to this date. I will endeavor to the utmost, no matter at what personal cost, to turn over to you a considerable proportion of the cases that I have already read and considered on to-morrow.

A. CAMINETTI,
Commissioner General.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, March 31, 1920.

Memorandum for the Assistant Secretary.

In re parole of aliens (Communist Labor Party).

The bureau, in accordance with directions found in your memorandum of the 27th instant (received the 29th), has prepared telegraphic instructions to all commissioners of immigration and inspectors in charge for the signature of the Assistant Secretary. Please find such telegraphic instructions hereunder.

A. CAMINETTI,
Commissioner General.

Noted and telegraph signed with an alteration. March 31, 1920. L. F. P.

Attention is especially called to the Assistant Secretary's memorandum of March 27, instructing that he be furnished with "not less than 100 cases a day" and dividing the cases into three classes; also the bureau's protest at being instructed to submit cases without having had an opportunity to review same and make appropriate recommendations. The protest of the latter did little good, however, as the Assistant Secretary began to decide cases without review by the bureau and without an expression from the commissioner general as to what he thought should be the final decision in the case.

This is clearly shown by a long list acted on as set forth above, and, which will be incorporated in this report in list form later; also by the memoranda of the Assistant Secretary in a few cases which read as follows:

CASE OF LUPERT BLANAR.

APRIL 5, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Lupert Blonar, No. 54709/336.

The case was called to the attention of the Commissioner General of Immigration by special assistant to the Attorney General, November 7, 1919. Investigation was ordered by the bureau November 11, 1919. The alien was at that time in the county jail at Omaha serving a sentence of 30 days for vagrancy. Investigation had been made on the 10th. Alien joined the I. W. W. about three years before. On the basis of this examination a warrant of arrest was recommended by the bureau (and issued by the Assistant Secretary of the Department on the 22d of November) as an alien anarchist, believing in and advocating the overthrow by force and violence of the Government of the United States. Under this warrant an examination was had on

November 22, 1919, and transmitted to the bureau February 27, 1920. The file came to the department on the 3d of April in response to the letter of the assistant United States attorney at Omaha hereunder. Upon examination of the record the department finds that the evidence on which the warrant of arrest issued was insufficient and that the subsequent hearing does not sustain the warrant of arrest.

Warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

(No memo. of bureau.)

CASE OF SIMON YUMLOT.

APRIL 5, 1920.

Subject: Simon Yumplot (alleged Communist), 54810/22.

Stay proceedings three months, inspector in charge to be instructed to report at end of that time, and alien to be released meanwhile on \$1,000 bond.

LOUIS F. POST,
Assistant Secretary.

(No memo. of bureau.)

APRIL 6, 1920.

MY DEAR MR. EDLIN: I am in receipt of your letter of April 3 with regard to Simon Yumplot (No. 54819/22). In the case of this alien the department directed on April 2 that proceedings be stayed for three months, the inspector in charge at Hartford to be instructed to report at the end of that period, alien to be released meanwhile upon bond of \$1,000.

Very sincerely,

LOUIS F. POST,
Assistant Secretary.

HARRY L. EDLIN, Esq.,
Suite 209, 42 Church Street,
New Haven, Conn.

CASE OF PETER BONDAR.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY.
Washington, February 25, 1920.

For: Mr. Abercrombie.

From: Mr. Post.

Subject: Immigration case of Peter Bondar, File No. 55860/756. Held under alien anarchist clause.

A second letter from Harry L. Edlin, Esq., of New Haven, bearing date of February 20, 1920, and addressed to me as Assistant Secretary, calls attention to several of his cases, including those regarding which I have already communicated with you on the basis of Mr. Edlin's first letter. He complains in respect of several of his clients who have been confined in jail for excessive periods and been unable to obtain bail. Preparatory to acknowledging and replying to his letter I have sent for the bureau files in those of the cases to which he refers that I have not already examined and communicated with you about.

One of these is the case of Peter Bondar (No. 54860/756). The warrant bears date January 17, 1920, and requires bail in \$1,000. Increase of bail was recommended by Immigrant Inspector Clark, of Hartford, on January 26, and on January 27 the department ordered the increase. There is also a letter of January 28 from the special assistant to the Attorney General describing the alien as a leader in the Communist movement in Hartford and particularly active in that organization. Beyond this the file discloses no facts. If the alien was arrested promptly after the issue of the warrant on January 17, it would seem that the case against him ought by this time to have been received in due course by the Secretary.

LOUIS F. POST,
Assistant Secretary.

Warrant canceled April 5. No memo. by bureau.

CASE OF DMYTRO MAKOHON.

FEBRUARY 26, 1920.

Memorandum for the Acting Secretary.

In re Dmytro Makohon; Ukrainian (Austria); age, 34; married; entered at New York in 1912; steamship unknown.

Department warrant issued December 29, 1919, alleging that the alien is in the United States in violation of the act of October 16, 1918, as specified in the warrant, a copy of which is in the record.

Hearings under the warrant were accorded the alien at Buffalo, N. Y., on January 9 and 31, 1920, the alien waiving his right to counsel. The testimony shows that the alien is illiterate; a laborer; that he has a wife and child in Austria; that he never applied for citizenship. In the original hearing on January 9, 1920, the alien admitted that he was a member of the Socialist Party since 1916; denied that he ever signed an application for membership in the Communist Party; denied having a membership card in said party; that he was in New York at the time of the split, and had not paid dues since returning from New York; that he had attended meetings since his return from New York and was treated as others present, and did as others present; that he listened to the speakers. On rehearing on January 31, the alien again waived right of counsel and testified that may be he had attended a hundred meetings of the left wing of the Russian Socialist Party at 120 Amherst Street, Buffalo; that he attended one meeting on Churchill Street after the left wing socialist joined the Communist Party. Exhibit E, original application for membership, together with photostatic copy of same, was exhibited to alien, who acknowledged same was in his name. The application shows that application was submitted August 7, 1919, and showed on the reverse side that the alien was admitted on August 11, 1919, to membership in the Communist Party. Asked if he wasn't a leader in the Communist Party, the alien replied: "Well, what of it? That's nothing. Suppose I was." The alien denied that he carried a red flag in a parade last May and was arrested; admitted that he had a red flag in his bed. The alien finally testified that he is a member of the Communist Party.

Exhibits 1 to 8, extracts from Communist Party documents, were introduced into the record to establish the character of the party. Exhibit X, being sworn statement of the alien before an agent of the Department of Justice, was properly made a part of the record. The alien is being detained in the Erie County Jail in default of bond in the sum of \$1,000.

The examining officer recommends deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Austria at Government expense. It is further recommended that alien be transferred to Ellis Island, New York Harbor, there to be detained until such time as his deportation can be accomplished.

COMMISSIONER GENERAL.

Approved. Cancel. Acting Secretary. March 13, 1920. L. F. P.

This memorandum has not been acted upon by the bureau and was not sent to the department with the knowledge of the bureau. It is delivered to the bureau signed as above after 5 p. m., March 15, 1920.

A. CAMINETTI,
Commissioner General.

CASE OF JOHN ENGLE.

Not that the review of the bureau's Law Division, the commissioner general, and the latter's recommendation would or did make any material difference with the decision of the Assistant Secretary, as the fact remains that he did not give the same much weight, is shown clearly in the long list of cases in which he canceled the war-

rants over the recommendations of the examining inspector, the commissioner, or inspector in charge of the district wherein the case originated, the review of the bureau's Law Division, and the recommendation of the commissioner general. Some of these cases will be attached to this report later in the form of a list. A few cases, however, worthy of particular attention, wherein the bureau memorandum sets forth a fair summary of the evidence adduced at the hearing, wherein recommendations for deportation were made by all of the officers coming in contact with the alien and the record up to and including the commissioner general and in which the Assistant Secretary simply canceled the warrant without comment, are herewith treated on. The bureau summary and recommendation showing the recommendations of the field officers and bearing the Assistant Secretary's order to "cancel" read as follows:

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re John Engle; age, 30; single; literate; subject of Russia; entered the United States at the port of New York ex Steamship *Franz Oscar*, February, 1911.

Pursuant to department warrant of arrest issued January 2, 1920, based upon an affidavit submitted by a special agent of the Department of Justice, alleging membership in the Communist Party, the alien described in the caption hereof, represented by counsel, was accorded a hearing at Chicago, Ill., February 19, 1920, at which time there was introduced into the record transcript of a statement made by the alien before a special agent of the Department of Justice, January 7, 1920, which the alien identified and pronounced correct, which shows that he stated that he is a member of the Communist Party (Exhibit D). There is also introduced into the record the alien's original application for membership in the Communist Party, which was identified by the alien and marked "Exhibit E." There appears to have been introduced into the record and acknowledged by the alien, the latter's original membership card in the Communist Party, thirty-fifth ward branch, dated December 22, 1919, and marked "Exhibit F." (This exhibit can not be found in the record.) The alien admits paying \$1 at the time he joined the party, "50 cents for joining and 50 cents for dues."

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership is, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations, and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining officer recommends deportation, and the inspector in charge at Chicago, Ill., concurs.

The evidence submitted and adduced establishes, and the bureau so finds, that the alien is in the United States in violation of law, to wit, the act of October 16, 1918, and is subject to deportation therefor, in that he is a member of or affiliated with an organization that advocates, teaches or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for the deportation of the above-named alien, on these grounds; such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel.

Louis F. Post,
Assistant Secretary.

CASE OF GABRIEL BUSHKOFF.

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re Gabriel Bushkoff, native of Russia; aged 24; entered at Philadelphia in 1914; steamship unknown.

Warrant was issued January 12, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons cited in the warrant, copy of which is in the record.

Hearing was accorded at Ellis Island, N. Y., on March 22, 1920, the alien being represented by counsel. The alien declined to answer all material questions. The record shows that he declined to deny that the warrant charges are true. Exhibit C, in the record, is a statement made by the alien before an agent of the Department of Justice, three other Government officials being present, on January 6, 1920. In that statement he admitted that he is a member of the Communist Party, First Russian Branch; that he joined when the party was established; that he is familiar with the by-laws of the Communist Party; that he believes in the overthrow of any government by force or violence; that he believes in killing public officials, and that he believes in revolution; that he is not an anarchist. Exhibit D, in the record, is alien's membership card in the Socialist Party of America, bearing four emergency dues stamps and one special propaganda stamp of the National Council, Left Wing Section, Socialist Party. Exhibits 1 to 8 were incorporated in the record to establish the character of the Communist Party. The alien is at liberty under bond.

The examining officer and the acting commissioner at Ellis Island recommend deportation.

The evidence submitted and adduced established, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel.

LOUIS F. POST,
Assistant Secretary.

CASE OF JULIUS MANINGER.

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re Julius Maninger, aged 24; single; literate; subject of Austria; entered the United States at the port of New York ex steamship *Florida*, November 6, 1909.

Pursuant to department warrant of arrest issued January 6, 1920, under which the alien described in the caption hereof was accorded a hearing at Indianapolis, Ind., January 7, waiving the right of counsel, at which time he indorsed the principles and tactics of the Communist Party and stated that he is a member of that organization.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership or nonmembership in, or affiliation or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitutes self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations, and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining officer recommends deportation and the inspector in charge at Chicago concurs.

The evidence submitted and adduced establishes, and the bureau so finds, that the alien is in the United States in violation of law, to wit, the act of October 16, 1918, and is subject to deportation therefor, in that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for the deportation of the above-mentioned alien on these grounds, such deportation to be to Austria at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

LOUIS F. POST, *Assistant Secretary.*

The CHAIRMAN. Is the case just presented—the case of Gabriel Bushkoff—a case in which the Secretary has used the Thomas Truss case as a precedent for the cancellation of the deportation warrant?

Mr. BLACKWOOD. There is absolutely no way of determining whether or not this cancellation and many others were based on the Truss decision, as no comments were made by the Assistant Secretary, the word “Cancel” being written in ink over his signature.

The CHAIRMAN. But is not this one of the so-called automatic cases?

Mr. BLACKWOOD. The term “automatic membership” is a blanket excuse.

The CHAIRMAN. But what becomes of the statement of Gabriel Bushkoff that he believed in the overthrow of any government by force or violence, that he believes in killing public officials, and that he believes in revolution?

Mr. BLACKWOOD. Well, this is one of many cases where we found an alien has gone at large and appears to be immune from the actual clauses of the deportation act.

The CHAIRMAN. Proceed with your reading, Mr. Blackwood.

Mr. BLACKWOOD. The next case is the same, and is included with those presented to show that the recommendations of the Commissioner General of Immigration, made by his law examiners after examination of the records, had no weight in the matter. The next is the case of L. Koshel, as follows:

CASE OF L. KOSHEL.

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re L. Koshel, aged 32; single; literate; subject of Russia; entered the United States at the port of New York, steamship unknown, March, 1912.

Pursuant to department warrant of arrest issued December 29, 1919, based upon an affidavit submitted by special agent of the Department of Justice alleging membership in the Communist Party, the alien described in the caption hereof waived right of counsel and was accorded a hearing at Chicago, Ill., March 30, 1920, at which time Theodor Senenchuk, secretary of Russian Branch No. 6 of the Communist Party, Argo, Ill., appeared and testified that the alien joined the same branch of the Socialist Party January 18, 1919, and continued a member thereof and paid his dues after said branch affiliated with the Communist Party. The testimony of this witness confirms that of the alien given at a preliminary examination before a special agent of the Department of Justice January 5, 1920, transcript of which is made part of the record, Exhibit D. The alien testified that he was formerly a member of the Socialist Party, but has no knowledge of the Communist Party.

The examining officer recommends cancellation, and the inspector in charge at Chicago, Ill., concurs.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership or nonmembership in, or affiliation or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations, and circumstances occurring anterior to such warrant, can not be accepted as suffi-

cient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The evidence submitted and adduced establishes, and the bureau so finds, that the alien is in the United States in violation of law, to wit, the act of October 16, 1918, and is subject to deportation therefor, in that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for the deportation of the above-mentioned alien on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport. Cancel.
LOUIS F. POST,
Assistant Secretary.

CASES OF OSIP KUZNECK AND PETER MUZEK.

Of interest are the cases of Osip Kuzneck, bureau file No. 54861/61, and Peter Muzek, 54811/494, as disclosed in the files mentioned by number. These cases were reviewed by the bureau and recommendations made for deportation, and the summary, recommendations, and records of hearings were then sent to the Assistant Secretary for decision. The records were returned to the bureau with the memoranda of the Assistant Secretary that the warrants were canceled, but, strangely, the bureau summary and recommendations were missing from the record. The officers who had reviewed the records, however, had kept copies, and a summary, reading exactly as the original summary, was placed in each file with a notation regarding the loss of the originals.

The summary in these cases, together with the Assistant Secretary's order to "cancel," in the order in which they are mentioned in the foregoing, read as follows:

APRIL 12, 1920.

Memorandum for the Assistant Secretary.

In re Stephen Osip Kuznich, alias Stephen Osip Kuznech, aged 30; married (wife and two children residing at Norwich, Conn.); literate; subject of Russia; entered the United States at New York, steamship unknown, June, 1910.

Pursuant to department warrant of arrest issued January 23, 1920, based upon an affidavit submitted by a special agent of the Department of Justice, alleging membership in the Communist Party, the alien described in the caption hereof waived right of counsel and was accorded a hearing at Boston, Mass., January 26, 1920, at which time there was introduced into the record transcript of a preliminary examination given the alien by a special agent of the Department of Justice which purports to show that he stated that he was president of the Union of Russian Workers' Automobile School, 102 Franklin Street, Norwich, Conn., Exhibit I. At his examination the alien reiterated the former statement, but contends that said organization is not connected in any way with the Federation of the Union of Russian Workers of the United States and Canada. There was introduced into the record transcript of a statement made by John Malash, who was treasurer of the above-mentioned automobile school, which he states was run by the Union of Russian Workers and that in order to attend such school, it is necessary to be a member of that union.

The examining officer recommends deportation and the acting commissioner at Boston, Mass., concurs.

Unsupported allegations of the alien made at the hearing herein after his arrest, concerning membership, or nonmembership in, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations

and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the grounds, and it is so found, that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches opposition to all organized government.

It is, therefore, recommended that the department issue its warrant for the deportation of the above-mentioned alien on these grounds; such deportation to be to Russia at Government expense.

COMMISSIONER GENERAL.

Deport.

ASSISTANT SECRETARY.

"Mr. Bixler and Mr. Taylor knowing these facts. This memorandum was copied from a copy of a memorandum held for Mr. Bixler when the original was registered and sent out. R. E. M."

APRIL 13, 1920.

Stephen Osip Kuznech, 54861/61.
(Union of Russian Workers.)
The warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

APRIL 12, 1920.

Memorandum for the Assistant Secretary.

In re Peter Muzek; Russian; aged 32; married; entered at New York in June, 1914, steamship unknown.

Warrant was issued on December 29, 1919, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons cited in the warrant, copy of which is in the record. A hearing was accorded at Hartford, Conn., on January 7, 1920, the right of counsel being waived. The record shows that the alien is literate and never applied for citizenship; that he is married, his family being in Russia.

Testimony of alien shows that he joined the Union of Russian Workers in the month of July or August, 1919, at Bridgeport, Conn.; that he doesn't know whether his membership card is in his trunk or in the house; that he paid dues once or twice and went to dances once or twice. Exhibit B in the record is a statement made by the alien before an agent of the Department of Justice on December 26, 1919. In that statement the alien admitted membership in the Union of Russian Workers and explained in detail his affiliation with the organization which finally led to his joining same. The record contains numerous exhibits showing the literature bought and read by the alien. His membership in the Union of Russian Workers is established and shows that he was more or less active. He is at liberty on bond.

The examining officer and the acting commissioner at Boston recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches opposition to all organized government.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense.

COMMISSIONER GENERAL.

Deport.

(Mr. Bixler and Mr. Taylor know these facts. "This memorandum was copied from a copy of a memorandum held by Mr. Bixler when the original was registered and sent out. —R. E. M.")

APRIL 13, 1920.

Peter Muzek, 54811/494.
(Union of Russian Workers.)
The warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

CASE OF GUS KULMAN.

Of interest also is the case of Gus Kulman, bureau file No. 54859/607, and much light is thrown on the case of Thomas Truss mentioned early in this report. In this case, as in the Truss case, the Assistant Secretary's confidential man, carried as a conciliator and placed in the bureau, on orders, as a "law examiner" and "reviewing officer," made a summary for the Assistant Secretary. This summary did not go through the commissioner general, and although it had a place for his signature, was not approved by him, nor did the summary and recommendation set forth his ideas in any manner whatsoever. As a matter of fact the attorney appearing in behalf of the arrested alien appeared before the bureau and requested the case be held in abeyance for a period of two weeks in order that said attorney could make further representations in behalf of the alien. This, and the commissioner general's true opinion regarding the case are set forth in two memoranda which he made to the Assistant Secretary dated March 25 and 26.

It will be noted that the Assistant Secretary's "confidential" man has taken up his superior's pet phrase, placing the alien as an "automatic member" of the Communist Party.

The summary referred to as well as the two memoranda of the commissioner general read as follows:

MARCH 24, 1920.

Memorandum for the Assistant Secretary.

In re Gus Kulman, aged 25; German; single; literate; landed at Baltimore August 28, 1913, Steamship *Rhein*; released on bond.

Warrant issued January 8, 1912, alleging that the alien is in the United States in violation of the act of October 16, 1918. A hearing was accorded the alien at Detroit on January 30, 1920, he being represented by counsel.

The testimony shows that in 1917 the alien took out his first papers; that he joined the Liebknecht Branch of the Socialist Party in 1918, and that he was still a member; that his branch was not known as a branch of the Communist Party. He was asked this question:

"Q. Is it not a fact that you automatically became a member of the Communist Party when your branch went over to the Communist Party? Did not every member of your branch who did not withdraw and who continued to pay their dues, automatically become a member of the Communist Party?—A. I would like to explain that.

"Q. What explanation do you want?—A. When Liebknecht Branch—few fellows went to work and made a motion—few fellows went to work and made a motion whole Liebknecht Branch should join the Communist Party, and the rest of the members were not present at that meeting. I was not present myself. We sent to work then and called a regular membership meeting and voted against the Communist Party, against the platform and manifesto, and drew up that resolution; that we got expelled from the Communist Party."

Thomas C. Wilcox, special agent of the Department of Justice, testified that "all branches of the Socialist Party in the State of Michigan, with the exception of the Roumania Socialist Federation and Polish Alliance, who are still in existence, are members of the Communist Party of America." Counsel for the alien then read from the Communist magazine, by which it appeared that the central executive committee of the party met in Chicago on November 15-18, 1919, and that a resolution adopted and sent out by the chairman, Liebknecht Branch of Detroit, specifically

repudiated the party program and manifesto was brought before the committee. "Since, in complying with the charter, the branch has indorsed the program and constitution of the party, which is now repudiated, the committee considers that the charter had been obtained under false pretenses, and voted to expel the branch from the party." Wilcox sought to explain this by calling attention to the date of the paper, December 13. It referred, however, to the minutes of November 15-18. Wilcox was then withdrawn. So that while automatism is of no avail in establishing membership or affiliation under this statute, yet the very automatic action relied on in the record appeared to be imaginary. The record of the examination of the alien before the agent of the Department of Justice was offered in evidence. As that examination was held on the 5th of January, and the telegraphic and regular warrants did not issue until the 8th and 9th, respectively, examination is of no probative force.

The examining inspector and the inspector in charge recommend deportation.

The bureau recommends that the warrant be canceled.

Commissioner General.

(Not signed by commissioner general.)

Cancel.

LOUIS F. POST, *Assistant Secretary.*

MARCH 25, 1920.

NOTE.—The attorneys in this case and others had a hearing before the bureau and requested that all their cases be held in abeyance two weeks as they desired to make further representations.

MARCH 26, 1920.

Memorandum for the Assistant Secretary.

As stated in my note attached to this file when you requested that I send the same to you, the attorneys in the case, as well as more than 20 others, known as the Liebnecht cases from Detroit, had a hearing that took about three hours of the time of the bureau and of the law officer. At the conclusion thereof they requested two weeks time to make further representations in all of the cases. The bureau called their attention to the fact that as far as it remembered there were three that were in custody and that while there was no objection to extending the time as to those on bond, those in custody were in a different situation; but notwithstanding this observation they adhered to the request for an extension of two weeks time, as above stated. As the bureau was advised at the time of the hearing and since its conclusion it has seen nothing to change its view, is inclined to recommend deportation in this case as well as others like it unless facts are presented by either side which will require a change of its view.

The bureau makes this statement in view of the fact that you have ordered cancellation in the case.

A. CAMINETTI,
Commissioner General.

CASE OF VASILY ARTIMOWSKY.

In spite of the fact that he was releasing on parole and canceling warrants in a large number of cases of aliens arrested as anarchists every day, after the aliens had been accorded hearings and record of same received by the bureau or department, the Assistant Secretary must have reached the conclusion that the aliens were not being released fast enough, as he proceeded to order the release of and the cancellation of the warrants in the cases of some 38 cases in which records of hearings had never reached the bureau or department and in most of which no hearing whatsoever had at that time been accorded the alien. This order for the canceling of the warrants was sent by wire in code, but the inspector in the field must have misunderstood the code, as in many of the cases he gave the aliens hearings some days later and made up the record and transmitted same to the bureau for decision. In some of these cases there was apparently little evidence on which to base an order of deportation,

while others contained sufficient, as is shown in the case of Vasily Artimowsky, bureau file 54860/973. This case managed to get before the Assistant Secretary approximately two weeks after the warrant had been canceled by his order and he had wired cancellation to the field officer; but he must have overlooked his former action, as, after examining the record, he issued an order for the alien's deportation. Just how this could be legally done after the cancellation of the warrant of arrest without issuing a new warrant of arrest and granting a new hearing is not understood, but is probably accounted for by a lapse of memory on the part of the Assistant Secretary.

CANCELLATION OF 38 CASES BY TELEGRAPH.

What is not so clear, however, is how the Assistant Secretary, or any other person having the interests of the United States Government at heart, could issue an order by wire canceling the warrants in the cases of 38 aliens arrested as anarchists without awaiting the record of hearing in order to determine the nature of the evidence adduced to support the original charge. A list of the cases in question, identified by the file numbers of the Bureau of Immigration, follow:

Cases in which the Assistant Secretary ordered warrants canceled by wire before record of hearings had been received and, in some instances, before hearings had been given: 54809/316, 54809/321, 54809/348, 54809/359, 54809/361, 54809/621, 54809/795, 54809/802, 54809/776, 54809/784, 54859/353, 54859/87, 54859/101, 54859/351, 54859/870, 54859/839, 54859/861, 54859/876, 54859/375, 54859/837, 54859/836, 54859/112, 54859/108, 54859/33, 54860/71, 54860/949, 54860/844, 54860/868, 54860/864, 54860/849, 54860/979, 54860/870, 54860/886, 54860/615, 54810/121, 54811/784, 54811/791, and 54860/973 (this case was the subject of a separate comment above).

COMMUNIST CASES AT HARTFORD, CONN.

In order to give a clearer insight to the handling of communist cases attention is directed to memoranda and letters appearing in the bureau files with reference to communist cases at Hartford, Conn., same reading as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 22, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Hartford, Conn., cases of membership in Communist Party.

Conditions with reference to warrant proceedings at Hartford, Conn., for which, however, the immigrant inspector there is not blamable under the circumstances thus far, are such as to require immediate action in support of a fair and orderly administration of the immigration law according to American principles with reference to personal liberty. It is therefore directed that immediate effect be given to the following instructions:

1. That the inspector at Hartford be instructed (1) to require bail in no other amount than that named in the warrant, except in cases in which he has specific instructions from the department; (2) to permit no prisoners in his custody to be held incommunicado without special instructions from this department; (3) promptly to advise counsel and friends of every alien in his custody (when they appear in such alien's behalf) of the amount of bail required; (4) to give to counsel for aliens in his custody access to their clients for purposes of consultation and to advise aliens before any examination in their cases, respectively, of their right to counsel, doing so through interpreters when necessary and in such manner as to enable the aliens to understand their rights under American law and that they are entitled to the enjoyment of those rights; (5) immediately to report to the department cases in which aliens

have been in custody more than 30 days unable to give the bail required, and to make in connection with this report such statements as to the dangerous or the pacific character of the aliens named as he may have knowledge of or information about; (6) to forward information to the department of the facts whenever aliens arrested under departmental warrant are unable to give bail but are of good reputation and in whose behalf responsible attorneys or other responsible citizens of the United States resident in Hartford or vicinity will promise to produce them as required, and that these be paroled to such attorneys or other responsible citizens, provided nothing more appears against them than that they have been members of the Communist Party.

2. You are hereby further directed to instruct the proper officials of the Bureau of Immigration, or the Immigration Service, forthwith to transmit to the aliens or their friends entitled thereto the necessary receipts for Liberty bonds deposited in lieu of bail, to the end that persons depositing such bonds for that purpose shall be promptly assured of the return of their property in due course, if the same shall not have been lawfully forfeited. The special reason for this instruction is the fact that the department has been reliably informed that at Hartford practically all the triplicate receipts to which depositors are entitled are held back for long periods, notwithstanding that they are the only evidence on which returns of deposited bonds can be demanded. This delay is exciting apprehension, which subjects the department to unwarranted accusations.

LOUIS F. POST, *Assistant Secretary*

MARCH 23, 1920.

COMMISSIONER OF IMMIGRATION,
Boston, Mass.

By direction of the Assistant Secretary, you are hereby instructed, in proceedings commenced under the anarchy provisions of the immigration law against aliens belonging to the Communist Party (special reference being had to the Hartford, Conn.) cases:

(a) To require bail in no other amount than that named in the warrant, except in cases in which you have specific instructions from the department.

(b) To permit no aliens in detention under your custody to be held incommunicado without special instructions from the department.

(c) Promptly to advise counsel and friends of every alien held in your custody (when they appear in such alien's behalf) of the amount of bail required.

(d) To give to counsel for aliens in your custody access to their clients for purposes of consultation and to advise aliens before any examination in their cases, respectively, of their rights to counsel, doing so through interpreters when necessary and in such manner as to enable the aliens to understand their rights under American law and that they are entitled to the enjoyment of those rights.

(e) Immediately to report to the department cases in which aliens have been in custody more than 30 days unable to give bail required, and to submit in connection with such report such statements as to the dangerous or specific character of the aliens named as you may have knowledge of or information about.

(f) To forward information to the department of the facts whenever aliens arrested under departmental warrant are unable to give bail, but are of good reputation and in whose behalf responsible attorneys or other responsible citizens of the United States resident in Hartford or vicinity will promise to produce them as required.

Please acknowledge receipt of this letter. An official copy thereof has been sent to Inspector Clark at Hartford.

COMMISSIONER GENERAL.

Official copy referred to Inspector Clark, Hartford, Conn., for his information and guidance. Please acknowledge.

COMMISSIONER GENERAL

MARCH 23, 1920.

Memorandum for Mr. Wagner.

By instruction of the Assistant Secretary, you are directed to forthwith transmit to aliens or their friends entitled thereto the necessary receipts for Liberty bonds deposited in lieu of bail, to the end that persons depositing such bonds for that purpose shall be promptly assured of the return of their property in due course, if the same shall not have been lawfully forfeited. The reason for this instruction is the fact that the department has been reliably informed that at Hartford and elsewhere

delays in returning receipts due to depositors of bonds in lieu of bail have unnecessarily taken place.

Please prepare a letter to the Immigration Service providing that due care shall be exercised in immediately delivering receipts of this character.

COMMISSIONER GENERAL.

MARCH 23, 1920.

Memorandum for the Assistant Secretary.

According to your instructions of March 22, in re Hartford cases of membership in the Communist Party, directions have been sent to the Boston district under which the Hartford section is operating. As soon as replies are received they will be brought to your attention.

Regarding that part of subdivision (6) of section 1, reading as follows: "And that there be paroled to such attorneys or other responsible citizens, provided nothing more appears against them than that they have been members of the Communist Party," this was not included in the instructions forwarded, as the bureau believed that was to be enforced after the information called for by the instructions has been received by the bureau and department. If the bureau is wrong in this particular, it will be pleased to have further instructions.

Instructions have been given to Mr. Wagner, in charge of bonds and receipts, in accordance with the directions set forth in your memorandum.

COMMISSIONER GENERAL.

MARCH 27, 1920.

Memorandum for the Assistant Secretary.

The letter immediately hereunder, from Inspector Clark, who is handling the Communist Party and Communist Labor Party cases at Hartford, Conn., was written in response to the bureau's letter of the 23d instant, addressed to the commissioner of immigration at Boston (copy attached filed). Apparently, Inspector Clark is complying with the instructions contained therein to the best of his ability, although you will note, from the last paragraph of his letter, that he is not in a position to supply the information called for in paragraph (F) of the bureau's letter.

A. CAMINETTI,
Commissioner General.

Paragraph F does not require investigation by the inspector; but it does require report in cases which are brought to his attention by counsel, friends, or others.

L. F. P.

MARCH 30, 1920.

Law Division. For appropriate action. March 30, 1920. C.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER,
Hartford, Conn., March 26, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Receipt is hereby acknowledged of "Instruction sheet 54809, General," dated March 23, 1920, signed by the commissioner general, and will say that the different paragraphs will have my prompt attention.

The report called for in paragraph (E) I think has been fully covered by the data I furnished Department Representative Mr. Steward, on his recent visit to Hartford; if not, please advise.

The information called for in paragraph (F), about character and reputation of aliens now under arrest who are unable to give bail, is too much for me. I know nothing of their character, as I made no investigation in these cases other than that required by the hearings under warrants.

Respectfully,

W. M. CLARK,
Immigrant Inspector.

To Law Division, March 27, 1920. C.

175608—20—5

CASE OF JOHN JOHNSON.

How different from his action in releasing aliens arrested as anarchists without awaiting the record of the evidence is the Assistant Secretary's action in the case of John Johnson, bureau file No. 54616/246.

In this case the alien was ordered deported by the Acting Secretary. The alien then applied for a writ of habeas corpus in the Federal court at New York City, the matter first coming before Judge Knox, who handed down a written decision. It later came up before Judge Hand, whom it seems intimated to the local immigration authorities that his decision would be unfavorable to the Government. In order not to establish a precedent, the whole matter was placed before the Assistant Secretary in memoranda and the file of the case, with the recommendation that the Assistant Secretary cancel the warrant of deportation. This, however, he refused to do by means of a notation at the bottom of the bureau's memorandum, saying, "Let the court decide." Bear in mind that he already knew what the court would decide. The court did decide and released the alien.

The memoranda, recommendations, letters, and decision of Judge Knox relating to this case read as follows:

SEPTEMBER 6, 1919.

Memorandum for the Acting Secretary.

In re John Johnson, aged 36; native of Ireland, subject of England; last entered from Canada at Buffalo, N. Y., on December 18, 1918.

The above named alien was arrested at Pittsburgh, Pa., on the ground that he was a person likely to become a public charge at the time of his entry into the United States. At the hearing he was placed on formal notice of the additional charges that he has been found advocating the unlawful destruction of property; and that he has been found teaching the unlawful destruction of property.

This man says that he first came to the United States in 1907, landing at Philadelphia, ex-Steanship *Friezeland*; that for many years thereafter he roamed about over the country working at many different occupations; that he joined the I. W. W. at Bakersfield, Calif., about seven or eight years ago; that while there he distributed a great deal of I. W. W. literature, among which was the I. W. W. songbook, which teaches and advocates sabotage; that in 1914 he went to Vancouver, British Columbia, and engaged in different occupations; that he remained in Canada until December 18, 1918, when he crossed the border at Buffalo, N. Y. (alien was admitted after a hearing by board of special inquiry); that he finally drifted to Pittsburgh where he secured employment with a railroad; that he was arrested at the latter city while in the office of the Mutual Benefit Association, which office is a distributing center for I. W. W. literature; and that at the time of arrest he was corresponding secretary for this organization and assisted in distributing quantities of I. W. W. literature. He denies being an anarchist or disbelieving in organized government or the assassination of public officials. Despite his denial, however, as to being an anarchist, he admits having attended anarchist meetings in Los Angeles, and that in San Diego, Calif., he was once arrested when attempting to test an anarchist free speech ordinance. He has only about \$10 or \$12 at the present time and states that whenever he saves a sum of money, he usually lays off and enjoys it.

The local police department at Pittsburgh has had the Mutual Benefit Association, of which the alien was secretary, under surveillance for some time. On June 2 of this year, there was an attempt to blow up two residences in that city and in connection with the investigation the office of the foregoing association was raided and large quantities of I. W. W. literature discovered. The alien Johnson was found in the office and placed in the county jail as a suspicious person. Efforts to connect him with the bombing, however, have proved futile. Johnson, by his note in distributing the I. W. W. songbook, which teaches sabotage, is guilty of advocating and teaching the unlawful destruction of property.

The bureau recommends the alien's deportation to Ireland at Government expense on the ground contained in the warrant of arrest, and the additional grounds that he

has been found advocating and teaching the unlawful destruction of property. Until then he may continue on bond of \$500 which he has already furnished.

While under the reciprocal agreement this alien might be deported to Canada, it is very doubtful if the Canadian authorities would permit of his return, for the reason that they would most likely be unable to verify his residence there, he being unable to give evidence as to names and addresses of persons for whom he has worked and with whom he is acquainted, which would be susceptible of proof.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

United States District Court, Southern District of New York. *United States of America ex rel John Johnson v. Byron H. Uhl, Acting Commissioner of Immigration at the Port of New York, respondent.* M 5-214. Upon writ of habeas corpus.

Charles Recht, for the relator.

Joseph F. Mulqueen, assistant United States attorney for the respondent.

KNOX, D. J.: John Johnson, the relator, is held at Ellis Island under a warrant of deportation issued by the Acting Secretary of Labor upon November 17, 1919. It is charged in the warrant that upon the 18th of December, 1918, Johnson was found in the United States in violation of the immigration act of February 5, 1917; to wit, "That he has been found advocating and teaching, subsequent to entry, the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States." * * *

The hearing which resulted in the present warrant of deportation was held upon or about June 23, 1919.

This hearing developed that Johnson is an Irishman, 37 years of age, and that he came to the United States in 1907. He is a steamfitter by trade, and this trade he has followed off and on throughout the intervening years, at times working as a laborer and again as a fisherman. Since coming to America he has wandered over the United States and Canada, but so far as appears, he has always been able to make a living and has never been supported by the public authorities up until the time of his present arrest. I think it can be said that there is not a scintilla of evidence in the record before me from which it may fairly be inferred that Johnson has ever been, or is likely to become a public charge.

In the year 1911 the relator went to Bakersfield, Calif., and remained in or about there until 1914, when he went to Canada, and did not again return to the United States until December 18, 1918.

While at Bakersfield Johnson became a member of the organization known as the Industrial Workers of the World. He denies that he believes in the overthrow of the Government by force or violence, or in the assassination of public officials; he likewise denies that he is an anarchist.

During the course of his examination Johnson admitted that during his stay at Bakersfield he sold papers (presumably I. W. W. literature), and in answer to a question as to whether he sold I. W. W. song books said, "*** I reckon I sold song books too."

The following examination then took place:

"Q. Do you know how many song books you have sold?—A. No.

"Q. Would you say you sold 100?—A. I might have sold 6 and I might have sold 2. They are not very good sellers.

"Q. Have you ever sold these books in any other city?—A. No. I never sold song books in any other city, not that I know of. I may have."

The contents of the song books sold by the relator and the nature of the literature distributed by him does not appear, and, so far as the record goes, it is impossible to say if what Johnson sold and distributed advocated and taught the unlawful destruction of property.

He has made speeches "in connection with the I. W. W. propaganda" and admits having attended anarchists' meetings in Los Angeles, and says "I dabbled into anarchy enough to understand what is going on, and then I dropped it."

Upon one occasion a number of years ago he was arrested while testing "an anarchist free speech ordinance," he being one of "the attempted speakers."

Some time after his reentrance into the United States the relator drifted to Pittsburgh and gravitated to the office of a so-called Mutual Benefit Association which was a distributing center for I. W. W. literature. He was put in charge of the office and

was known as the corresponding secretary. Here he sold and distributed I. W. W. literature, but denies that he sold the song books.

Upon this state of facts is Johnson entitled to his discharge upon habeas corpus?

As was said, I have no record of the contents of the I. W. W. song books or literature sold and distributed by the relator.

There is attached to the petition for the writ a song book entitled "I. W. W. Songs, to fan the flames of discontent."

Below this appears the picture of a man behind prison bars. On one side of this picture appears "We are in here for you." Upon the opposite side there appear the words "You are out there for us." Below the picture is the word "Remember": and "General defense edition. Published by I. W. W. Publishing Bureau, 1001 W. Madison Street, Chicago, Ill., U. S. A."

From the fly leaf of the book it would seem that this book is of an edition put forth in April, 1918, and the petition states that this book is a copy of the song book referred to.

Upon the return to the writ the United States attorney submits the I. W. W. song book, apparently published at Cleveland, Ohio, in December, 1914, and the suggestion is made (though such suggestion is not, save as to the date of distribution supported by the record) that this song book was the one distributed by the relator.

If the latter book was the one distributed, and if the relator knew its contents at the time of its distribution, I should have no hesitancy in dismissing the writ. I say this because this book advocates sabotage.

I quote:

"Make it too expensive for the boss to take the lives and liberty of the workers. Stop the endless court trials by using the wooden shoe on the job."

Again:

If Freedom's road seems rough and hard,
And strewn with rocks and thorns,
Then put your wooden shoes on, pard,
And you won't hurt your corns.
To organize and teach, no doubt,
Is very good—that's true,
But still we can't succeed without
The good old wooden shoe.

Within the song *The Workers Battle Cry for Freedom*, I find lines as follows:

Down with tradition! Let's raise the wooden claw.
Down with the gun man! Let's raise the wooden paw.

The song, *That Sabo-Tabby Kitten*, is a constant appeal to sabotage, and without attempting to define that term I think that it unquestionably includes the willful destruction of, or damage to, property by the workers who is in charge thereof.

This is contrary to our law even when done to redress or remedy industrial or political wrongs, and the alien who teaches that doctrine forfeits, in my opinion, his right to stay in this country.

The difficulty in this case is that I have no means of knowing what song book the relator distributed. The song book attached to the petition for the writ is not so apparently on appeal for property destruction as is the book of 1914, and it is barely possible, though I am not sure, that this book could not be used as a basis of ordering deportation. It contains a song entitled "*Casey Jones*," parts of which are as follows:

The Workers said to Casey: "Won't you help us win this strike."
But Casey said: "Let me alone, you'd better take a hike."
Then some one put a bunch of railroad ties across the track,
And Casey hit the river with an awful crack.

The concluding stanza of this song reads:

Casey Jones went to hell a-flying.
"Casey Jones," the Devil said, "Oh, fine;
"Casey Jones, get busy shoveling sulphur;
"That's what you get for scabbing on the S. P. line."

The natural inference, it seems to me, to be taken from this creed is that in the event of a strike it is perfectly justifiable and commendable to use any means that may be necessary to put an end to what is known as "scabbing." It is needless to say that such methods mean not only the destruction of property but of human life.

We all know the effect upon the emotions of song—the singing of such a song by a large group of men who were on strike, who felt they had a real grievance, might conceivably bode ill indeed for property and for the lives of persons who continued to work and who for that reason would among the strikers be known as "scabs."

However, I think that the relator is entitled to a rehearing in which it may appear what was the nature of the publication distributed by him—the record should not leave this consideration to conjecture and surmise. In this sense I think the previous hearing was unfair.

I will, therefore, accord the alien a hearing before the court, at which time he may show, if he can, that the books distributed by him were innocuous so far as teaching the destruction of property is concerned; and the Government on the other hand, may show, if it can, what I. W. W. song books were published and distributed in the period of time that the relator was at Bakersfield.

The question raised by the relator that he is not amenable to the provisions of the immigration act of 1918, owing to the fact that advocating the unlawful destruction of property was not prior to the passage of that act a ground of deportation, will be reserved until the further hearing hereby provided for.

The attorney for the relator and the United States attorney may consult me with respect to fixing a time for the hearing.

JNO. C. KNOX,
United States District Judge.

FEBRUARY 6, 1920.

MARCH 30, 1920.

MY DEAR MR. DE SILVER: Receipt of your letter of March 27, with reference to the case of John Johnson (bureau file 54616/246), is hereby acknowledged.

I note your question, whether a surety company is subject to official criticism for writing bail bonds for aliens in the custody of this department under deportation proceedings in what you describe as "the so-called campaign against the Reds." I also note your reference to "the bitter criticism to which any one is likely to be subjected who in such cases assists the alien to procure such rights or privileges as he may be entitled to under the law," and your comment that it should be "obvious that if the department fixes bail for any particular alien, that action in itself is a statement that the department has no objection to bail being furnished."

In response to your question, permit me officially in behalf of the Department of Labor to assure you and your clients that whenever this department fixes bail for an alien in deportation proceedings, whether in the course of the proceedings or pending deportation as the result thereof, and irrespective of the cause or causes of deportation either under the general act of February 17, 1917, or the supplementary act of October 16, 1918—there is no official objection to the furnishing of bail bonds. On the contrary, the preference of this department (and its jurisdiction is exclusive, as you must know) between bail and prolonged detention is for bail, provided only that it be sufficient in amount and in the responsibility of the sureties to satisfy the act of Congress and to secure obedience by the alien to the requirements of his bail bond.

There is no purpose, let me add, or desire on the part of the Department of Labor to imprison aliens in expulsion proceedings unnecessarily. The fixing of bail in any such case is not a pretext for imprisoning resident aliens regardless of their rights under our Constitution; it is solely for the purpose of assuring the department that the alien admitted to bail will comply with the requirements of his bail bond, in order that the law may be duly administered in accordance with American principles of personal liberty. You will see, therefore, that your views on the subject, as expressed in your letter, are substantially identical with the policy and practice of this department.

Trusting that you may find the above statements to be a sufficiently full and satisfactory response to your inquiry, I am,

Very truly, yours,

LOUIS F. POST,
Assistant Secretary.

ALBERT DE SILVER, Esq.,
68 William Street, New York, N. Y.

APRIL 1, 1920.

Memorandum for the Commissioner General.

In re John Johnson.

Please see memorandum hereunder of Examiner McClelland, covering a conversation had at noon over the telephone with the Ellis Island office. I learned while in New York that the United States attorney's office was very much adverse to making any further contest of this case before the district court, where it is now pending. The principal point in the case is found in the fact that in 1914 the alien sold certain I. W. W. literature at Bakersfield, Calif., this literature being of the usual sabotage-teaching variety. There is no evidence that he has sold or otherwise distributed

literature of this class since that time. As teaching or advocating the unlawful destruction of property was not a deportable offense under the act of 1907 (in force at the time), the ground on which the deportation of the alien is sought by the department necessarily fails. I have talked this point over with Mr. Parker, and with the Ellis Island officials. The latter, in turn, have discussed it with the United States attorney's office. The opinion of all of these persons is to the above effect, viz, that since the teaching or advocacy of the unlawful destruction of property was not a deportable offense at the time alien sold this literature, the act of October 16, 1918, will not reach him.

I am of the opinion that a memorandum should be prepared for the approval of the Assistant Secretary recommending cancellation of the proceedings against this alien.

W. J. P.

P. S.—Judge Hand has given the department until Saturday to cancel the proceedings.

APRIL 2, 1920.

Supplemental memorandum for the Assistant Secretary.
In re John Johnson.

This alien was ordered to be deported to Ireland on the department's warrant of December 17, 1919, on the grounds (1) that he has been found advocating and teaching, subsequent to entry, the unlawful destruction of property; and (2) that he was a person likely to become a public charge at the time of his entry into the United States. The facts are set forth in the bureau's memorandum indicated at marker in the attached file. Alien was transferred from the jurisdiction wherein arrested to Ellis Island, in course of deportation, on December 30 last. He has not been deported, however, for the reason that a writ of habeas corpus was obtained for him, and his case is now pending before the District Court for the Southern District of New York. It is understood that a decision will be rendered some time to-morrow forenoon, in the event the department does not reverse its ruling and order the outstanding warrant canceled (the court having deferred decision with a view to affording the department an opportunity to further consider the case). Judge Hand has already indicated what his decision will be—that he will sustain the writ.

The alien's offense, you will note from the memorandum, consisted principally in selling sabotage teaching I. W. W. literature in southern California in the year 1914. Particularly, he is alleged to have sold a certain I. W. W. song book, known to strongly advocate the unlawful destruction of property. However, actual proof that he sold this song book is lacking, and even if he did, his act occurred in 1914, when the act of February 20, 1907, was in force. It was not a deportable offense under that act to advocate or teach the unlawful destruction of property and conceding that alien did sell sabotage teaching literature in 1914, he can not be reached for this act under either the act of 1917 or the act of 1918. There is some evidence that he also distributed sabotage teaching literature at Pittsburgh a short time before his arrest, but the evidence as to this is not sufficiently strong to support the deportation warrant. Also the charge that alien is a person likely to become a public charge is more or less of a technical one and is hardly supported by the evidence.

Cancellation of the outstanding warrant is recommended in view of the circumstances.

A. CAMINETTI,
Commissioner General.

Cancel. Let the court decide.

LOUIS F. POST,
Assistant Secretary.

Rush wire to Ellis Island. C.

APRIL 2, 1920.

IMMIGRATION SERVICE,
Ellis Island, N. Y.

Assistant Secretary has given further consideration case John Johnson, and is disinclined to cancel deportation warrant.

HAMPTON.

Attest:

ASSISTANT COMMISSIONER GENERAL.

CASE OF PAULO BARTINCHUK.

Another interesting decision of the Assistant Secretary is found in the case of Paulo Bartinchuk, bureau file No. 54709/569, the bureau memoranda, summary, and recommendation, together with the decision of the Assistant Secretary, canceling the warrant read as follows:

APRIL 3, 1920.

Memorandum for the Assistant Secretary.

In re Paulo Bartinchuk, alias Paul Burton, alias Paul Bartniczuk, aged 33; Russian; arrived New York on or about June 6, 1909, ex. steamship *Martha Washington*.

This case arose by reason of a report received from the Department of Justice at Detroit, to the effect that the alien was a Bolshevik and had been teaching and advocating the overthrow of the Government of the United States. As a result, a department warrant issued April 12, 1919, to the effect that the alien was in the United States in violation of the act approved October 16, 1918, in that he advocates the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States. In addition to the charges outlined in the warrant, the inspector has formally placed the alien on notice of the additional charges that the alien is an anarchist; that he believes in the overthrow by force or violence of all forms of law; that he advocates the assassination of all public officials; and that he advocates the overthrow by force or violence of all forms of law.

The alien was accorded a hearing at Detroit on May 20, 1919, and the testimony shows that his real name is Bartniczuk. He is a laborer by occupation, is married, and resides with his wife and two children in Detroit. Prior to his entry into the United States, he took part in demonstrations against the Czar's Government; he was classed by that government as a revolutionist; he was continuously opposed to the Russian Government; and he left Russia for the purpose of escaping arrest and was smuggled into Austria by friends. The alien is apparently of some education, being a teacher in Russia and a graduate of the teachers' institute in Derman, Russia. After living in various parts of the United States, particularly New York State and Illinois, the alien went to Detroit in 1914 and was employed for about three years in the Ford plant. He is at present a member of the Ukrainian Federation of the Socialist Party and was a member of the Union of Russian Workers for about six months in 1914. It further appears that the Ukrainian Federation has sent delegates to the "House of the Masses". The alien has testified that he believes in the doctrines and principles of the Soviet Government of Russia as conducted under the régime of Lenin and Trotsky. He conducts a school of socialism in Detroit, and admits that radical socialists congregate there. The alien admits that the Government of the United States should be overthrown and a Soviet Government substituted in its stead and that he advocates this change should be brought about by force when referring to all governments. There have been introduced in the record exhibits which consist of a considerable amount of bolshevik and revolutionary literature.

The alien admits that he spoke at the convention of the Polish section of the Socialist Party held at Detroit on March 30, 1919; that he was the chief delegate of the Ukrainian Federation of Socialists branch in Detroit. He denies, however, that he advocated the overthrow of the Government of the United States; that, if he made any remark about the Government it referred to all governments; that he did advocate proletarian dictatorship and revolution; that he did say that we should follow Russia in anarchy. The alien further admits that he believes in the overthrow of the Government, and in answer to the question whether he believes in the overthrow by force or violence of all forms of law, he answered "Yes; of all the bourgeois." A rehearing was granted June 13, 1918, at which the alien's counsel appeared and, on further examination, the alien denied the correctness of his former statements in regard to the substitution of a soviet form of government in place of the Government of the United States. He also takes exception to his affirmative answer to the effect that he believed that the Government of the United States should be overthrown.

The examining inspector recommends deportation, which recommendation is concurred in by the acting commissioner at Montreal.

The bureau recommends that an order for the alien's deportation be issued on the grounds, and it is so found that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; and that he advocates the over-

throw by force or violence of all forms of law. The alien is now at large on bond in the sum of \$1,000, and deportation, if effected, should be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 6, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Paulo Bartinczuk, No. 54709/569.

The alien was a Russian revolutionist against the Government of the Czar at the period of 1905-1908. Consequently, in so far as he is a "fugitive from justice," as the examiner at the hearing designated him, he is the kind of fugitive who comes within the exception with reference to political fugitives which is made in the second proviso of section 3 of the immigration act of 1917, and within the policy of the United States which has always proclaimed this land as an asylum for the oppressed of all nations. He has lived in the United States since taking refuge here in 1909, and has worked his way honestly as a laborer whenever there was work to be had, and steadily at the Ford factory for the past five years. He is not an anarchist in any other sense than the loose epithetical one of the ignorant or the thoughtless, who use that term as a verbal brickbat. On the contrary, he is a Socialist, the very opposite of anarchist, and a member of the Socialist Party. At one time he was a member of the organization which became the Union of Russian Workers (now a proscribed organization), but left that organization before it became anarchistic. He believes in the soviet form of government, and that it should be adopted by the people of the United States if they want it and if they make their demand without violence but by means of our own legal methods. He does not believe in overthrowing this Government by force or violence. If the alien comes within any of the inhibitions of the statutes regarding aliens unlawfully in the country, the facts that make him so have not been proven.

The warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

CASE OF MATT FILIPOVICH.

With a view of furnishing more light on the procedure, the attitude of the Assistant Secretary and the question of whether or not he gives more credence to unsupported statements and requests of attorneys and other parties interested in behalf of the alien than he does to the evidence adduced at the hearings, the case of Matt Filipovich, bureau file No. 54859/589, is cited. This is a case in which the Acting Secretary ordered the alien deported. The warrant for his deportation was issued, the State Department and the Department of Justice advised that his deportation was to take place, and the field officer in charge at Detroit notified to bring in the alien and cancel his bond and to join him to a deportation "pick-up" party that would go through Detroit, said party leaving Chicago via Detroit April 11, 1920. All of this was with the knowledge and approval of the Assistant Secretary. However, for some reason the alien was not delivered to the "pick-up" party, nor was the officer in charge of said party advised as to why. The files, however, show that under date of April 12 a telegram was sent to the Assistant Secretary by an attorney, who had not, in so far as the file and records show, ever appeared or been authorized to appear in the case, said telegram requesting a stay of deportation and a rehearing of the case. No grounds whatsoever as to why the case should be reheard are shown, nor is there any showing as to the additional evidence he expected to offer or the materiality of same. However,

the telegram bears the Assistant Secretary's notation at the bottom, under the date of April 13, saying "Open for rehearing." Some one in Detroit must have been advised of the intended instructions to rehear the case and to stay deportation before the "pick-up" party went through there, but there is nothing in the files to indicate who or how.

The papers pertaining to this case, sufficient to get an entire understanding of same, read as follows:

FEBRUARY 24, 1920.

Memorandum for the Acting Secretary.

In re Matt Filipovich, aged 37; Servian race; native of Novy, Bosnia (formerly Austria-Hungary); entered the United States at New York, N. Y., on March 28, 1913.

Department warrant of arrest issued for this alien on January 9, 1920, based on a signed statement made before a special agent of the Department of Justice on January 4, to whom the alien admitted that he is a member of the Communist Party.

The alien was accorded a hearing on January 20 at Detroit, waiving his right to be represented by counsel. The testimony shows that the alien is single, literate, and has never taken any steps to become a citizen. The alien was shown the original statement made before the special agent of the Department of Justice and admitted the truth of the statements contained therein. During the course of the hearing the alien again admitted that he is a member of the Communist Party, having previously belonged to that section of the Socialist Party when that organization became a member of the Communist Party in September, 1919. The alien registered for the draft, but never received further notification from the board. There is also incorporated into the record documentary evidence showing the character of the Communist Party. The alien is now held in detention. He does not oppose deportation. The evidence conclusively shows, by the alien's own admissions, that he is a member of the Communist Party.

The examining inspector recommends the alien's deportation, which recommendation is concurred in by the inspector in charge at Detroit.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Jugo-Slavia at Government expense. It is further recommended that the alien be transferred to Ellis Island, there to be detained until such time as his deportation can be accomplished.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

FEBRUARY 27, 1920.

The SECRETARY OF STATE,
Washington, D. C.

SIR: I have the honor to inform you that this department has this day issued its warrant directing the deportation to Jugo-Slavia, via New York, N. Y., of the alien Matt Filipovich, under the act approved October 16, 1918.

Respectfully,

ACTING SECRETARY.

Attention J. M. Nye, Chief Special Agent, room 104, Department of State.

[Telegram.]

MONTREAL, QUEBEC, April 7, 1920.

IMMIGRATION BUREAU,
Washington, D. C.:

Referring bureau file 54859/589, case Matt Filipovich, alien to be joined deportation party leaving Chicago 11th. Please telegraph Detroit direct authority to withdraw Liberty bond deposited by Filipovich.

CLARK.

APRIL 10, 1920.

IMMIGRATION SERVICE,
Detroit, Mich.

As it is understood Matt Filipovich is to leave Detroit to-morrow to join Russell party, you are authorized to withdraw Liberty bonds deposited his behalf for return to depositor.

Post.

Attest.

ASSISTANT SECRETARY.

(Exact copy as signed by Louis F. Post mailed April 13, 1920.)

[Telegram.]

DETROIT, MICH., April 12, 1920—5.53 p. m.

W. B. WILSON,
Secretary, Washington.

Have just been retained by Matt Filipovich in his deportation case, department file 54859-589, Detroit file 353. I understand that warrant of deportation has already been issued. Deportee had no counsel, and from my investigation, I am convinced that deportation would be an error.

Will you grant a rehearing on this application? If not, will you give an extension of time, and authorize or instruct Dr. Prentis to give me a copy of the testimony, in order that I may make a more definite application within a reasonable time?

JOSEPH B. BECHENSTEIN,
400 Majestic Building, Detroit, Mich.

April 13—9.15 a. m.

APRIL 14, 1920.

Open for rehearing. Wire.

LOUIS F. POST,
Assistant Secretary.

CASE OF CHRISTANT ROMANUK.

Also the case of Christant Romanuk, bureau file No. 54859/661, a case in which the evidence adduced at the hearing, as shown in the bureau summary and recommendation, established the alien's membership in the Communist Party. His deportation was recommended by the commissioner general and approved by the Acting Secretary, who was the deciding officer at the time, but who evidently left before the warrant of deportation could be prepared for his signature. Said warrant, when prepared, accordingly went to the Assistant Secretary for signature, who returned it unsigned, together with a memorandum to the effect that he could not sign same and instructing that the matter be suspended until the return of the Acting Secretary; also further instructing that in the meanwhile the alien in question be released on parole.

The memoranda herein referred to read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 15, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Christanf Romanuk (alleged Communist), No. 54859/661.

In approving deportation for membership in the Communist Party the Acting Secretary must have been misled by the bureau memorandum of March 2, 1920. Upon examination of the evidence I can not sign the warrants. Suspend proceedings until return of Mr. Abercrombie. Release the alien meanwhile on parole.

LOUIS F. POST,
Assistant Secretary.

Received March 17, 1920. Bureau of Immigration. Law.

MARCH 2, 1920.

Memorandum for the Acting Secretary.

In re Christanf Romanuk, age 33, married, wife and child in Russia, subject of Russia; entered the United States at Detroit, Mich., May 12, 1916, via C. P. R.

Departmental warrant issued January 8, 1920, based upon affidavit submitted by special agent of the Department of Justice, alleging alien to be a member of the Communist Party of America.

The alien waived right to counsel and was accorded a hearing at Detroit, Mich., January 21, 1920, during course of which hearing alien admitted membership in the Communist Party of America (pp. 3 and 4 of the record), incidentally expressing belief in the doctrines of Lenin and Trotsky, and communistic government in general.

The investigating officer recommends deportation, which is concurred in by the inspector in charge at Detroit.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of October 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE,
Acting Secretary.

CASE OF MICHAEL BABIARZ.

Another case in point is that of Michael Babiarez, bureau file No. 54859/955, in which the Assistant Secretary orders the alien deported and so advises the State Department, but, on the receipt of a wire and a letter from an interested attorney, the Assistant Secretary reexamines the record and, without the introduction of any additional evidence whatsoever, reverses himself and proceeds to cancel the warrant and release the alien.

The memoranda, letters, telegrams, etc., contained in the bureau file which show this procedure read as follows:

MARCH 12, 1920.

Memorandum for the Assistant Secretary.

In re Michael Babiarez, age 33; male; literate; subject of Austria (Poland); entered the United States at the port of New York ex-steamship *Kronn Princessin Cecelha*, October, 1912.

Department warrant issued January 9, 1920, based upon an affidavit submitted by special agent of the Department of Justice, alleging that the alien was a member of the Communist Party of America, Polish Branch, Depew, N. Y.

The alien waived right of counsel and was accorded a hearing at Buffalo, N. Y., January 13, 1920, at which time he admitted membership in the Communist Party of America, as shown by his testimony (pp. 3 and 4 of the record), said admission being

corroborated by original application for membership in the Communist Party of America. (Exhibit D of the record.)

The investigating officer recommends deportation, which is concurred in by the inspector in charge at Buffalo.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Poland at Government expense. It is further recommended that the alien be transferred to Ellis Island, there to be detained until such time as his deportation can be accomplished.

A. CAMINETTI,
Commissioner General.

Deport.

LOUIS F. POST, *Assistant Secretary.*

WARRANT—DEPORTATION OF ALIEN.

No. 54859/955

Inclosure No. 8724.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

To the ACTING COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor:

Whereas, from proofs submitted to me, after due hearing before Immigrant Inspector David Lehrhaupt, held at the Erie County Jail, Buffalo, N. Y., I have become satisfied that the alien Michael Babiarz, who landed at the port of New York, N. Y., ex steamship *Kronprinzessin Cecile*, on or about the 15th day of October, 1912, has been found in the United States in violation of the act approved October 16, 1918, to wit: That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States, and may be deported in accordance therewith.

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to Poland, the country whence he came, at the expense of the appropriation, "Enforcement of laws against alien anarchists, 1920." You are directed to purchase transportation for the alien from New York, N. Y., to such point in Poland as you may designate, at the lowest available rate, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 27th day of March, 1920.

(Exact copy as signed by Louis F. Post; mailed March 27, 1920, by Assistant Secretary of Labor.)

MARCH 27, 1920.

THE SECRETARY OF STATE,
Washington, D. C.

SIR: The department has the honor to advise that it has to-day ordered the deportation of one Michael Babiarz to Poland from Buffalo, N. Y., via the port of New York, the proceedings against him having been instituted under the act approved October 16, 1918.

Respectfully,

LOUIS F. POST,
Assistant Secretary.

(Exact copy as signed by Louis F. Post, mailed March 27.)

Attention Mr. J. M. Nye, chief special agent, room 104, Department of State.

[Telegram.]

BUFFALO, N. Y., April 10, 1920—4.49 a. m.

Hon. Louis F. Post,
Assistant Secretary of Labor, Washington, D. C.

Refer to 54809 general, and ask that alien Frank Kaskak, Frank Drost, Vicenty Doboaki, Peter Romanchuck, and Michael Babiarz, directed returned to Poland, and they can not remain in United States, be deported to Soviet Russia. Should be recalled that Buffalo delegates to Chicago convention of party voted against majority program, including manifesto and program, and that local organization at Buffalo did not adopt manifesto.

EUSTACE REYNOLDS, *Attorney.*

[Telegram.]

BUFFALO, N. Y., April 8, 1920.

Hon. Louis F. Post,
Assistant Secretary of Labor, Washington, D. C.

Refer to warrant 54859/955, issued in the case of Alien Michael Babiarz, who has child of 6, born in United States, and wife expecting baby in two months; and request you to cancel the warrant of deportation. Reopen the case for a further hearing and admit the alien to bail under \$500 bond, pending its disposal. Wire answer, collect.

EUSTACE REYNOLDS.

APRIL 9, 1920.

On reexamination of record I find that the application card of alien is not the application required by proscribed Communist Party. Cancel warrant of arrest and deportation warrant.

LOUIS F. POST,
Assistant Secretary.

CASE OF DAVID BAYLY.

Another case along the same lines is that of David Bayly, bureau file No. 54709/823. In this case the Assistant Secretary ordered the deportation of the alien "solely on the ground" that he was a member of the Communist Party. He received a letter from a member of the Detroit Federation of Labor in behalf of the alien and ordered the case reopened, though no showing to warrant such a procedure had been made.

The papers pertinent to this matter, as appearing in the bureau file, read as follows:

APRIL 2, 1920.

Memorandum for the Assistant Secretary.

In re David Bayly, alias David M. Bayly; native of Russia, of the Hebrew race; aged 27; married; wife in United States; entered the United States at New York, December 22, 1905; is now at liberty on bond.

Warrant of arrest is dated December 29, 1919, based on an affidavit of an agent of the Department of Justice, dated December 11. An analysis of the evidence shows that alien claims to have declared his intention to become a citizen of this country in March, 1914, that his father had lived in this country, returning to Russia in the last-mentioned year; that alien's mother and brother are in Detroit, and that he furnishes part of the support of his mother. Alien is a man of splendid education and attainments, having graduated from the University of Michigan in 1915 as a mechanical engineer, and having practiced his profession in Detroit and vicinity since then. He testified that while attending the university he became interested in economic and social reforms, and joined the Socialist Party in his junior year; and that after graduation he transferred his membership to the Socialist Party in Detroit; that the branch he joined affiliated with the Communist Party in a body last fall; and that he retained his membership at the time of affiliation; that he attended meetings; that he had read the manifesto and program of the Communist Party, but claims his understanding of the principles and doctrines differs widely from the interpretation recently given them by this department.

Membership card in the Communist Party is an exhibit, showing dues paid through the month of December, and that a special agent of the Department of Justice in his testimony showed the counsel from records of the Communist Party that alien was a delegate from his English branch to the city central committee in Detroit on September 16 last; and in this connection attention is invited to the alien's own three-page brief, addressed to the Secretary, which is Exhibit C, in which he states at the bottom of page 1 that on a certain issue the entire Socialist Party of America seceded from the national office of said party and joined with a number of other organizations in a convention, out of which issued the Communist Party; and at top of page 2 alien gives his understanding of what the new party should strive for.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership in, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining inspector recommends deportation, as does the inspector in charge at Detroit.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport. (Solely for membership in Com. Party.)

LOUIS F. POST,
Assistant Secretary.

APRIL 6, 1920.

Mr. LOUIS F. POST,
Assistant Secretary of Labor, Washington.

DEAR SIR: We desire to ask for a reopening of the case of David Bavy in order to present new testimony to show that Mr. Bavy was not in any way a member of the Communist Party. The branch to which he belonged was not a branch of the Communist Party. Deportation in his case on the grounds of membership in that party is unwarranted.

Respectfully, yours,

FRANK X. MARTEL,
Business Representative, Detroit Federation of Labor.

Reopen.

LOUIS F. POST,
Assistant Secretary.

APRIL 7, 1920.

Prepare reply to Mr. Martel's letter. L. F. P. April 7, 1920.

CASE OF POLIKIEWICZ.

Another case in question is one entitled "In re Polikiewicz," bureau file No. 54809/225, and refers to an alien ordered deported, but upon a memorandum of the Assistant Secretary ordered reopened and the alien released on his own recognizance. Just what significance the letter in which the Assistant Secretary in his memorandum instructs be answered has on the question of reopening the file does not show. However, there is nothing therein to indicate that any showing justifying a reopening was ever made. The word "relevant" appearing in the memorandum is a code word for releasing the alien on his own recognizance.

The memorandum referred to reads as follows:

In re Polikiewicz.

Upon reading the hereunder record it is ordered that the case be opened for further hearing.

Meanwhile "relevant" if no bond has been given.

Prepare reply to Congressman Sherwood's letter of March 30, 1920, hereunder.

LOUIS F. POST,
Assistant Secretary.

Case approved by Acting Secretary.

**CERTAIN CORRESPONDENCE RELATING TO PLACES OF DEPORTATION OF
THOSE RECENTLY ORDERED DEPORTED.**

The letters and instructions referred to read as follows:

PITTSBURGH, PA., *March 23, 1920.*

Hon. LOUIS F. POST,
*Assistant Secretary of Labor,
Department of Labor, Washington, D. C.*

HONORABLE SIR: As attorney of record for the list of aliens hereto appended and for the aliens now confined in Detroit, Mich., who are charged with being members of the Union of Russian Workers, and the aliens confined at Youngstown, Ohio, who are charged with being members of the Union of Russian Workers and the Communist Party of America, I desire to make the following representation:

All these men at their hearings claimed that they were citizens of Russia. They came to the United States prior to 1914, at which time all of the Baltic Provinces, Poland, and Finland were parts of Russia. These men never became citizens of the United States, and they are therefore citizens and subjects to Russia. Some of these men came from the Provinces now claimed by Poland and Lithuania, together with the Provinces of Grodno, Kovno, and Minsk.

When at Ellis Island on Saturday I was informed that it was the intention of the department to ship aliens who are charged with being anarchists and who came from the above-mentioned Provinces, or other Provinces now belonging to the independent State of Poland, to Danzig, which port was given to Poland by the peace treaty.

All of these men, who are classed as Poles, are very much opposed to being sent to Danzig, as they are unable, in the first place, to speak the Polish language, but speak Russian; and they are further opposed to being sent to Danzig or Poland because of the attitude of the Polish Government to any person charged with radical tendencies or ideas.

The case of these men is similar to the case of the Russians sent to the *Buford*. There was considerable discussion prior to their deportation that they would be sent to either Kolchak or Danikin, and that would have meant the death of these men had they been sent to the above-mentioned.

I am reliably informed that if these men are sent to Danzig or any place outside of Soviet Russia that they would be either executed or put in prison for an indefinite time or forced to join the White Army, opposed to Bolsheviks.

It is no doubt the policy of your department to do nothing that would jeopardize the lives of any of these men or cause their imprisonment or endanger them in any way. It would furthermore cause unpleasant complications with the Russian Government of which Government they are subjects and citizens.

You will therefore give this matter the consideration that it merits.

I repeat that under no circumstances should these men be sent to Danzig, but some other route can undoubtedly be found that would enable them to reach Soviet Russia.

I suggested to Mr. Caminetti that these men be shipped to Constanza, a port in Roumania, and from there to transship to Odessa, which I am reliably informed is in the hands of the Soviet Government.

Thanking you for your kindness and consideration of this matter while in Washington, and for your present consideration, I beg to remain,

Very truly, yours,

JACOB MARGOLIS, *Attorney at Law.*

MARCH 25, 1920.

MY DEAR MR. MARGOLIS: In acknowledging your letter of the 23d of March, you are informed that instructions have been given not to deport Russians to Poland until further directions.

Sincerely,

LOUIS F. POST, *Assistant Secretary.*

JACOB MARGOLIS, Esq.,
Pittsburgh, Pa.

APRIL 5, 1920.

For: Commissioner General of Immigration.
From: Assistant Secretary.
Subject: Deportation of Russians to Poland.

Protests and petitions are coming to the department against the deportation of Russians to Poland. You will find some of the petitions in file No. 54809/836. Similar petitions appear in other files. Protests have been made by American citizens. The circumstances in Europe at the present time are such as to justify the protests and petitions.

You are therefore hereby instructed to permit no deportations of Russians to Poland against their will, and you are further instructed to ascertain from all aliens directed to be deported to Poland whether or not they are Russians, whether or not their deportation to Poland would subject them to punishment for political reasons, whether or not they object to deportation to Poland, and in case of objection the reason for the objection.

Further or modified instructions will be given if necessary upon the recommendation or request of the Commissioner General.

LOUIS F. POST,
Assistant Secretary.

TELEGRAMS WITH REFERENCE TO CERTAIN DETROIT CASES.

Of interest, also, are various telegrams to and from the Assistant Secretary with reference to aliens arrested at Detroit, who, by the way, are detained in the old Army barracks at Fort Wayne and not in a jail. In connection with these telegrams is a memorandum of the commissioner general to the Assistant Secretary which indicates that the Assistant Secretary had ignored the bureau in this transaction.

The telegrams and memorandum read as follows:

DETROIT, MICH., April 17, 1920.

LOUIS F. POST,
Assistant Secretary, Washington.

F. M. Butzel, of house of correction board, Gustavus D. Pope, chairman Michigan Red Cross, and myself will serve as parole committee for aliens detained under orders your department. Am informed men will accept such parole.

ALLAN CAMPBELL.

(Penciled note:) Congressman Nichols says the first two are very prominent men in Detroit well known and unassailable from any standpoint.

APRIL 17, 1920.

ALLAN CAMPBELL,
Detroit, Mich.

Proposal in your telegram on behalf of yourself, F. M. Butzel, and Gustavus D. Pope to act as parole committee for aliens unable to give bail is acceptable. Confer with Inspector Prentiss who will give your committee access to the aliens and to the records and documents on which their cases rest. Wire your requests directly to this office in each case.

LOUIS F. POST,
Assistant Secretary.

APRIL 17, 1920.

INSPECTOR IN CHARGE,
Detroit, Mich.

F. M. Butzel, Gustavus D. Pope, and Allan Campbell, all of Detroit, offer to act as parole committee for aliens in detention, unable to give bail and consequently suffering hardship. Grant this committee access to the aliens and to the records and documents on which their cases rest.

LOUIS F. POST,
Assistant Secretary.

APRIL 19, 1920.

Memorandum for the Assistant Secretary.

The telegram hereunder has reached the bureau. Apparently it belongs with the Assistant Secretary's Office file and only came here on account of having been attached to a Bureau of Immigration confirmation blank. However, the bureau is ready to receive such instructions as you may have to give concerning the same.

COMMISSIONER GENERAL.

RIGHTS OF ALIENS.

A curious circumstance with regard to members of the anarchist and certain other deportable classes is that while they claim to be opposed to the existing Government of the United States, they invariably demand the right to be protected, in every manner and to every degree, by the existing Government. They even go further and demand, for their alien members, all of the rights bestowed upon American citizens by the Constitution of the United States.

In connection with this line of thought, a memorandum of the Assistant Secretary, dated March 17, 1920, is of interest. The memorandum reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 17, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Examination of aliens in immigration hearings with respect to naturalization.

In many hearings held under warrants of arrest issued by the Secretary of Labor I notice that the arrested aliens are asked by examining inspectors if they have made application for citizenship. Upon giving negative answers they are interrogated in a way that implies governmental blame of the aliens as for neglect of duty on their part. In other words, officials in this department of the Government appear upon the record to have censured aliens for not having applied for citizenship.

This is contrary to the spirit of the policy regarding naturalization which the Secretary of Labor has officially declared. In connection with the administration of the Bureau of Naturalization, the Secretary has forbidden activities therein for urging aliens to declare intention to become citizens. He has limited its activities of that kind to aliens who have declared their intentions without pressure from this department. The distinction he makes is this: Whereas private citizens may freely urge aliens to become citizens, a department of the Government can not do so until the aliens have voluntarily declared their intention, inasmuch as such a course might be regarded as offensive to the home country of the aliens. It might imply that we do not accord domiciliary rights to citizens of other countries. When, however, an alien has declared his intention, the Secretary holds this department free to promote his purpose by encouraging him to qualify and assisting him in qualifying for admission. In the one case the Government promotes the voluntarily declared purpose of the alien; in the other it would in effect be coercing him to do what he may not wish to do (abjure his existing allegiance) and what this Government has no right under international comity to urge him to do.

It is, of course, proper in immigration proceedings to ask arrested aliens whether or not they are citizens. The department, having no jurisdiction to deport citizens,

has the right to investigate the fact of citizenship. But the reason of an alien for not having become a citizen is immaterial in most, if not in all, warrant cases. Should it appear in any case to be material, the examining inspector must ascertain the fact, but in so doing, he should avoid any implication that the Government regards it as a duty of aliens to become citizens.

Instruct commissioners of immigration and inspectors in charge accordingly.

LOUIS F. POST,
Assistant Secretary.

PROVISION OF SECTION 20 CONCERNING AMOUNT OF BOND.

Section 20 of the act approved February 5, 1917, provides that aliens in custody under said act "may be released under a bond in the penalty of not less than \$500." That same provision with reference to bond applies to the act of October 16, 1918. In neither act is there any provision for the release of an alien on a bond in a less sum than that mentioned. No provision whatsoever authorizes the release of aliens on their personal recognizance or to the custody of another. This portion of the law has, however, been continually violated. Aliens have been released on bonds of much less than the sum of \$500 fixed by Congress as a minimum. They have been released time and time again on their personal recognizance or to the custody of another. The policy seems to have been to release an arrested alien from custody as soon as possible, regardless of whether or not he would appear again, regardless of the fact that he was an anarchist working for the overthrow of the Government of the United States, and regardless of whether or not he was diseased, feeble-minded, or insane. The policy seems to be to give the alien the benefit of every technicality, the Government the benefit of nothing. These releases have been ordered over the recommendations and protests of the field officers, coming in personal contact with the aliens and, therefore, in a far better position to judge the nature of the cases in question than those who ordered the releases. Releases have been ordered in direct violation of law. Releases have been ordered where the officer so ordering knew absolutely nothing regarding the alien so released. He knew absolutely nothing concerning the evidence in existence against the alien, but he did know that the charge on which the alien was arrested was of a serious nature, and he should have known that the law prohibited the release on anything short of a bond in a sum of not less than \$500.

A letter from the Commissioner of Immigration at New York, dated July 15, 1919, undoubtedly expresses the opinions generally held by all field officers handling this class of cases. The letter reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., July 15, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

"I have observed that warrants of arrest issued as to aliens of the anarchistic class provide for their release upon the filing of a bond, usually in the sum of \$1,000, pending hearing or final decision. The act of October 16, 1918, relates to those who are anarchists, who believe in or advocate the overthrow by force or violence of government, who disbelieve in or are opposed to all organized government, who advocate or teach the assassination of public officials, who advocate or teach the unlawful destruction of property, or who are members of or affiliated with an organization that entertains a belief in, teaches or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches dis-

belief in or opposition to all forms of organized government, etc. If sufficient evidence has been obtained to justify the issuance of a warrant for the arrest of an alien upon any of the grounds set forth in the law, it seems to me to be most inconsistent to release that alien, after his apprehension, upon a bond, irrespective of the amount thereof. I feel that it should be determined as quickly as possible whether the charge made against the alien is in accord with the facts, and, if it is, that he should not be released from custody under any condition. If the charge is not sustained then he should be released outright. The present practice enables the principals and their attorneys or friends to postpone hearings from time to time, for reasons which may or may not be adequate if the actual facts could be ascertained, delays the rendering of a decision by the department, and enables the man concerned to go along continuing the teaching of his heresy. As a matter of fact he is quite likely to be more active, and secure a larger following, by reason of the fact that he has been taken into custody by the Government, than if he had not been disturbed in the first instance.

From a cursory examination of our records, I find that at the present time there are 18 of the anarchistic class who have been apprehended in this district, or brought here for deportation, and subsequently released on bonds. As to some of these I have been advised definitely that they are at the present time actively spreading their propaganda. They seem to be able to secure a bond in almost any amount, and unless the department feels that it must authorize release pending final decision upon some sort of a guarantee, I strongly recommend that none who are taken into custody under the terms of the act of October 16, 1918, be released until they establish their innocence. If, upon the other hand, you feel that you are compelled to authorize the acceptance of some sort of a bond, then in no instance specify a sum less than \$25,000, or even greater. You will understand that my contention is that the amount named should be so great that it will be practically impossible for any one of this class to secure a bond.

I well realize the practical difficulties and the financial expense involved in holding any considerable number of these people in detention for an indefinite period, but it is my understanding that the law referred to was enacted for the purpose of preventing the spread of the nefarious doctrines taught by these people and to protect the public from the outrages they commit from time to time. Certainly the result desired is of much greater importance than mere saving of money involved in their detention, and I feel that if this phase of the matter is presented to Congress that body can not fail to appropriate sufficient funds to meet the situation.

BYRUN H. UHL,
Assistant Commissioner.

BOND FOR PROSTITUTE, \$1,000; BOND FOR TWO ANARCHISTS, NOTHING.

While the Assistant Secretary seems to have a leaning toward all aliens, this leaning appears to be particularly strong toward those arrested as anarchists. A comparison of his action in five cases passing through his hands illustrates this clearly. In order that his action in these cases may be fully understood, attention is again called to the procedure in arrest cases set forth early in this report. It will be recalled that when a warrant of arrest is applied for by telegraph the officer at the department issuing same has no knowledge of the evidence on which the application for the warrant is based. He only knows what the charge against the alien is and that the filed officer believes there is sufficient evidence to justify the issuance of a warrant of arrest. The officer in the department can, of course, form some idea of the seriousness of the case by the nature of the charge, but as to the evidence at hand he must wait the arrival by mail of the formal application for the warrant. Bearing these facts in mind, attention is called to bureau file No. 54821/78, which shows that on April 1, 1920, a telegraphic application for a warrant of arrest was made. The charge against the alien was that she was a prostitute. A telegraphic warrant was issued by the Assistant Secretary. The bond in this case was fixed in the sum of \$1,000.

Bureau file 54821/74 shows identically the same state of facts, including the date.

Bureau file 54861/346, No. 54861/345, and No. 54861/347 show that a telegraphic application for warrant of arrest was made in the same manner as in the two prostitute cases. In these three last-mentioned cases, however, the charge was that the aliens were anarchists. The telegraphic warrants were issued March 18, 1920, by the Assistant Secretary, and these telegraphic warrants carried the instructions to release the aliens upon their personal recognizance.

ALIENS DEPORTED ON BUFORD NOT PHOTOGRAPHED.

Another interesting matter in connection with the deportation procedure is that although the law provides a penalty for the return to the United States after deportation of aliens deported under certain provisions of the act, including anarchists, instructions have been issued not to photograph aliens so deported, and there is no provision for obtaining a personal description of these deportees. Just how it is intended to identify these deported aliens should they again return to the United States is not known, but it is certain that without photographs and personal descriptions it is impossible to do so in more than a very few cases.

The Assistant Secretary's letter to the Secretary of State dated March 26, 1920, is along these lines and reads as follows:

MARCH 26, 1920.

THE SECRETARY OF STATE.

SIR: Replying to your letter of the 22d instant (U-H 311.6124/29), I have the honor to advise you that, under date of the 12th instant, the department forwarded to you two lists containing the names of the aliens who were deported from the port of New York, N. Y., on December 21 last, on the U. S. transport *Buford*.

Referring to your request that you be provided with a descriptive personal record of each individual deported on the *Buford*, I beg to advise you that the department does not have descriptive data covering these aliens. It was the intention to photograph all of them before their departure from New York, but conditions which developed at the last moment prevented this being done.

Respectfully,

ASSISTANT SECRETARY.

Exact copy as signed by Louis F. Post; mailed March 29, 1920.

CASE OF FRANK A. NOVOSAD.

The case of Frank A. Novosad, bureau file 54861/248, is of vital importance in showing attitude of the Assistant Secretary toward the Government of the United States. In this case the alien openly advocated the overthrow of this Government by force of arms. He was ordered deported by the Assistant Secretary, who, in rendering his decision, took occasion to say that the only thing against the alien was that he was in favor of "righting some of the wrongs of this Government."

Documents pertaining to this case read as follows:

[Extracts from file 54861-248, Bureau of Immigration.]

BRENHAM, TEX., February 7, 1920.

The man who came into the office of the Messenger Publishing Co., and entered into conversation with Wm. J. Tucker, editor of the Morning Messenger, gave me his name as Frank Novosad.

Novosad first began his conversation about asking of general conditions here, and after a few moments, during which I was giving him only cursory attention, he remarked, "It is time for a change in Government." Taking this as a clue to a possible espousal of radical doctrines, I then entered into conversation with him, and gradually, to all apparent purposes, won his confidence. He said, "We must change the government of this country if we have to do it at the point of the bayonet."

I called my brother, Henry Tucker, into the conversation, introducing him, and saying that he was interested in these doctrines.

Novosad then said that the United States Government "is unjust; that the people are downtrodden, and that all the officials are becoming rich," pointing to the example of Woodrow Wilson.

In answer to the query of the plan to be used in correcting these things, Novosad declared, "by force. We must get leaders in every community, and they must act at the proper time. We must get arms and ammunition. Cannon are needed. We have sufficient force to take New York City in three days. We have a great force in Chicago," he added.

We asked Novosad where the money was to be had for such a campaign. And he replied that "I can get all I want from the headquarters in New York." "Do you mean the soviet headquarters?" we asked. "Yes," he replied. "I have traveled from Canada to Texas and talked to many people and I know how they feel about such a move."

Pointing to a sword which I captured from a German soldier at Chateau Thierry, I suggested to Novosad that I was prepared. "That is the way," he said. "Force will overturn the nation and give the real people a chance. We need such leaders. We must also interest Spain, Nippon, and Soviet Russia."

All of the foregoing, among many other things of incendiary nature, were said in conversation with the man, Novosad, and came entirely voluntarily from him, he evidently being mistaken in my identity and being deceived by my apparent show of interest and sympathy. The conversation continued until Sheriff Parker, whom I sent for, arrived and placed the man under arrest.

WM. J. TUCKER.

The above is a true account of the conversation which I overheard and into which I entered.

HENRY TUCKER.

I hereby certify that the above is a true copy of the original on file in the office of the Bureau of Investigation, Department of Justice, San Antonio, Tex.

E. W. SMITH,
Immigrant Inspector.

THE STATE OF TEXAS,
County of Washington, ss:

Before me, the undersigned authority, on this day personally appeared Wm. J. Tucker and Henry Tucker, both personally known to me, who after being duly sworn say on oath that the attached statement is correct, and was made to them in person, under the circumstances described in the said statement, which was written immediately following the conversation with the man known to them as Frank Novosad, February 7, 1920.

WM. J. TUCKER.
HENRY TUCKER.

Sworn to and subscribed to before me, this 15th day of March, A. D., 1920.

[SEAL.]

GREEN MORGAN,
Clerk County Court, Washington County, Tex.

Memorandum for the Assistant Secretary:

In re Frank A. Novosad, single, aged 34, native of Austria, now Czecho-Slovakia, race, Bohemian. Entered at Galveston, Tex., December 30, 1907. Detained at San Antonio.

A department warrant issued in this case on February 19, 1920, it being alleged that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States, and that he advocates the overthrow by force or violence of the Government of the United States.

He was accorded a hearing under this warrant at San Antonio, Tex., February 20, 1920, waiving the right to be represented by counsel. The principal evidence in this

case, and also the evidence upon which warrant of arrest was based, is an affidavit executed by Wm. J. and Henry Tucker at Brenham, Tex., February 7, 1920. In this affidavit it is stated that Novosad came into the office of the Messenger Publishing Co., on that date, and entered into a conversation with the affiants named, and that in this conversation he advocated the overthrow of the Government of the United States by force and violence, saying, among other things, that, "We must change the Government of this country, if we have to do it at the point of the bayonet." The plan to be used in effecting this change to be "by force;" "We must get leaders in every community, and they must act at the proper time. We must get arms and ammunition; cannon are needed. We have sufficient force to take New York City in three days; we have a great force in Chicago." Also said that he could get all the money he wanted for the work from the soviet headquarters, New York; that he had traveled from Canada to Texas, talked to many people and knows how they feel about such a move, and, his attention being directed to a sword, the alien stated "that is the way; force will overturn the Nation, and give the real people a chance.

As originally made a part of the record, this affidavit was not sworn to, and the record was therefore returned for further hearing. The affidavit was thereupon returned to the affiant, who executed same in a proper form before the clerk of the county court, Washington County, Tex., on March 15, 1920. The case was thereupon reopened at San Antonio, Tex., April 5, 1920, and the alien's attention was again called to this exhibit as sworn to and attested, in response to which he replied that he had no further statement to make.

The alien denies making the statement attributed to him, although he admits having had a conversation with the affiant at Brenham on February 7, and that their affidavit was partly correct, referring especially in this connection to the statement concerning the sword, but stated that he thought it was a joke. He also admits making other remarks to affiant at the time referred to, along the lines of those quoted in the affidavit, but subsequently qualifies these statements in a manner to remove their incendiary nature. He still maintains, however, that to right some of the wrongs in our Government he believes that he would be all right to use force.

The examining inspector recommends that the alien is a proper subject for deportation, and this recommendation is concurred in by the supervising inspector at El Paso.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor; this on the ground, and it is so found, that he believes in the overthrow by force or violence of the Government of the United States, and that he advocates the overthrow by force or violence of the Government of the United States.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Czechoslovakia, at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

ASSISTANT SECRETARY.

(Following is written in ink:) This alien evidently believes in using force to right some of the wrongs of our Government. Nothing further is proved against him. Under the letter of the statute the case against him is weak, but he seems to fall within its spirit. It is therefore directed that he be deported after being fully informed of this decision.

LOUIS F. POST,
Assistant Secretary.

APRIL 20, 1920.

CASE OF SAMUEL SKLAROFF.

The case of Samuel Sklaroff, bureau file 54809/898, contains documents of interest which read as follows:

COPIES OF CORRESPONDENCE AND DOCUMENTS CONTAINED IN FILE No. 54809/898 OF THE BUREAU OF IMMIGRATION, DEPARTMENT OF LABOR.

[Communist Party Headquarters, 1330 Arch Street, Philadelphia, Sept. 24, 1919.]

DEAR COMRADES: The headquarters committee which was elected at the last general meeting to secure a headquarters and store for the Communist local has met on Tuesday evening, September 23 at 1330 Arch Street.

Each member of the committee has made an effort during the week to secure a location and what they reported will be of interest to the entire membership. They all substantially agree that the time is coming, if it is not here already, when it will be impossible for the revolutionary movement to keep a store and headquarters unless we own the place. Our immediate task is to meet the rent which is due on October 1, but we must do more than that: We must raise a fund for the purpose of buying a center for work.

A committee will be present at the next meeting of your branch to lay the matter before you. We trust that your branch will respond promptly and nobly to this call for action. The time has arrived for constructive work to take the place of wrangling and dissension. If we are to succeed in our great task of spreading the message of communism among the proletariat of America we must show our fitness to overcome whatever obstacles present themselves in our path. It would be a discouraging sign of our weakness if our organization could not pay the rent for its headquarters or buy those headquarters if necessary. We hope that you will act in this matter at once.

Yours for the communist cause,

[Illegible line.]
Per SAMUEL SKLAROFF.

[Socialist Party, Local Philadelphia. The Socialist Book Store and Headquarters, 1330 Arch Street, M. Kieserman, treasurer; Samuel Sklaroff, general secretary.]

PHILADELPHIA, PA., September 24, 1919.

To the Twentieth Ward Branch.

DEAR COMRADES: This is to certify that Comrade Arthur Pabst has been authorized to appear before you on behalf of the headquarters committee of local Philadelphia, Communist Party. You are hereby requested to give the floor to this comrade and to extend every assistance possible in the matter he will bring to your attention.

Yours for the communist cause,

SAMUEL SKLAROFF,
General Secretary.

NOTE.—There appears in the file an informal office memorandum reading as follows: "Law Div. This case is not only interesting, but requires careful treatment, as I have no doubt it will go to the courts. This alien is very astute and no doubt could be a power for harm. It is important to hold him for deportation and the record therefore should be carefully scrutinized and tested. C." This memorandum bears no date. Copyist.

SAML. SKLAROFF 181,
Department Justice, Ninth and Market Streets.

GENTLEMEN: I have been informed by the newspapers that some of the communists, arrested in the recent raids conducted by your department, have been released.

It can not be emphasized too strongly that no communist is a better man of a greater enemy of capitalism than another. I want to be placed on record as making an earnest appeal that if there are going to be any more deportations, to be one among the first deportees. Every day I stay in jail makes me a better communist. It would be an unjust discrimination, as well as a mistake, to leave me here if one of my loyal comrades is deported. I hope that you will take my request into consideration and act accordingly.

Respectfully,

SAMUEL SKLAROFF.

NOTE.—The original of the above communication bears rubber stamps showing its receipt in the Philadelphia office of the Bureau of Investigation on March 27, 1920, and in the Philadelphia office of the Immigration Service on March 30, 1920. Copyist.

FEBRUARY 5, 1920.

Memorandum for the Acting Secretary.

In re Samuel Sklaroff, aged 27, Russian-Hebrew, entered at New York on October 3, 1916.

Warrant issued for alien's arrest on December 29, alleging that he is in the United States in violation of the act of October 16, 1918, for the reasons outlined in the warrant, copy of which is in the record.

The subject of these proceedings was originally made the subject of an investigation in February, 1919, by an agent of the Department of Justice, but nothing developed

other than circumstances tending to show that the alien was a socialist of a rather radical turn of mind.

Alien was accorded a hearing under the warrant at Philadelphia on January 6. The testimony shows he is single, a pressman by occupation, and resides with his parents in Philadelphia. He claims that his father was naturalized three years ago but he (alien) does not claim citizenship, he having reached his majority prior to his father's naturalization. He registered under the draft and claimed exemption as an alien. He admits being a member of the Communist Party and being in sympathy with its aspirations, but claims he has attended but one meeting and denies having obtained a card of membership. He does admit, however, that his name appears on the membership rolls of the organization and that he, as secretary of the left wing of the Socialist Party, applied to the national committee of the Communist Party for a charter and that it is on the way. He claims that he has not made any money contributions to the organization. On further questioning alien admitted that there was a general revolutionary demonstration planned for May 1, last year, and that he made a statement that when the proper time came to overthrow the existing order of affairs he would be with the leaders, but states his ideas have undergone a change since the statement was made. The alien stated that his case seems to be so clear that it could be disposed of without counsel. He further stated that the socialist branch to which he belonged reorganized under the name of the Communist Party, but that he was not in accord with its principles and immediately withdrew from active work and finally gave up his membership, after having been with the organization for about one month up to October 1. It appears, however, that he admitted (see p. 10) that he last attended a meeting on December 11 and prior to that, on Sunday, November 9, addressed a meeting on the importance of education. In the latter part of October he attended a meeting of the twentieth ward branch of the Communist Party. He admitted that by signing the application for membership in the Communist Party he automatically became a member. There is incorporated in the record a communication dated September 13, 1919, signed by the alien as general secretary in which it appears that the word "socialist" in the heading is crossed out and the word "communist" inserted in its place. There is also introduced in the record copy of a letter dated September 24, 1919, addressed to the twentieth ward branch and issued from the Communist Party Headquarters, 1330 Arch Street, Philadelphia, signed "yours for communism, the headquarters committee, per Samuel Sklaroff, general secretary," together with a bulletin under the same date, which appears to have been issued by the alien. Special Agent Foley, of the Department of Justice, testified that the alien admitted to him, when he was taken into custody, that he was a member of the Socialist Party.

A rehearing was had on January 17, at which there was introduced the minutes of the meeting of the first branch of the Communist Party, containing the record of a meeting which was held on August 29, which the alien states was for the purpose of raising funds to pay the expenses of the delegates to the convention of a party to be organized, which later appears to have become the Communist Party. The alien admits he was instrumental in helping to raise funds for this purpose. The minutes of the organization also show that the alien was present at a meeting on September 26. There is incorporated in the record the mimeograph form containing excerpts which show the character of the organization.

The examining inspector recommends deportation, which is concurred in by the commissioner at Philadelphia.

The evidence submitted and adduced establishes, and the Bureau finds, that this alien is in the United States in violation of law (act of October 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense. It is further recommended that alien be transferred to Ellis Island, there to be detained until such time as his deportation can be accomplished.

[Here appears the initial "L."]

Commissioner General.

Cancel.

Louis F. Post,

Assistant Secretary.

NOTE.—Rubber stamp on back of original of foregoing document bears date of April 1, 1920. Copyist.

APRIL 1, 1920.

J. E. HOOVER, Esq.,
*Special Assistant to the Attorney General,
Department of Justice, Washington, D. C.*

SIR: This is to advise that the department has canceled the warrant proceedings which were instituted against Samuel Sklaroff in the Philadelphia jurisdiction under the act of October 16, 1918.

Respectfully,

A. CAMINETTI,
Commissioner General.

CASE OF ALEXANDER LACZYNSKI.

That the Assistant Secretary's decisions in cases of aliens arrested as anarchists are inconsistent is clearly indicated in the case of Alexander Laczynski, bureau file No. 54859/807. In this case the record of the hearing was reviewed by the bureau's law division. The examining inspector recommended deportation, which was concurred in by the inspector in charge of the district where the hearing was held. The commissioner general also recommended deportation. The entire record including a summary and recommendation of the bureau then went to the Assistant Secretary for decision. Under date of March 13, 1920, the Assistant Secretary, erasing the word "approved" at the bottom of bureau memorandum, ordered the alien deported, and handed down a written decision in which he stated that the alien was found to be a member of the Communist Party. The record, including the original bureau memorandum and the Assistant Secretary's written decision, were then returned to the bureau. In some unexplained manner, however, the bureau memorandum containing the summary and recommendation, as well as the Assistant Secretary's decision, became detached from the record of the hearing. Evidently, another reviewing officer, finding the record of hearing and assuming it had not been reviewed, accordingly proceeded to review it and to make another summary, which while worded different, sets forth the same state of facts contained in the first summary. The case went to the commissioner general, who, without noticing it was a case already passed on, again recommended deportation. The record of hearing together with the new summary, which was dated March 24, 1920, again went to the Assistant Secretary for decision. The Assistant Secretary, upon the same evidence, upon the same state of facts appearing in the summary, and upon the same recommendations by all officers concerned, then proceeded to render an exactly opposite decision from that which he first rendered, by ordering the warrant canceled and the alien released.

His order was carried out and the alien released. Later, however, the first memorandum with his first decision ordering this alien deported, came to light, and the commissioner general called the attention of the Assistant Secretary to his two opposite decisions rendered in the same case and on the same facts. This was done in a memorandum dated April 9, 1920. The Assistant Secretary's reply will be found at the bottom of the bureau memorandum. In it he holds that the decision canceling the warrant was correct and final and attempts to justify his action.

The various memoranda read in this case read as follows:

MARCH 13, 1920.

Memorandum for the Assistant Secretary.

In re Alexander Laczynski, age 27, single, citizen of Poland, entered the United States at Hoboken, N. J., November 23, 1907. The correspondence indicates that the alien is detained in the Lucas County Jail near Toledo, Ohio.

The department warrant issued January 9, 1920, based on information furnished by the Department of Justice, alleging that the alien is a member of the Communist Party of America.

The alien was represented by counsel, who submits a brief (attached). Hearing accorded the alien at Toledo, Ohio, January 11, 1920. At this hearing he admitted membership in the Communist Party of America, that he pays dues to the organization, and attended its meetings (pp. 2 and 3 of the record). He was also formerly a secretary of the Socialist Party for a period of about one year.

The examining inspector recommends deportation. This recommendation is concurred in by the inspector in charge at Toledo.

The testimony adduced establishes and the bureau finds that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of an organization that advocates and teaches a belief in the overthrow by force or violence of the Government of the United States and of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on this ground, such deportation to be to Poland, at Government expense.

A. CAMINETT,
Commissioner General.

(Word "Approved" has been erased.)

Deport (see memo of decision).

LEWIS F. POST, *Assistant Secretary.*

Memorandum.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 13, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Alexander Laczynski (alleged communist), No. 54859/807.

The attorney's first record objection referred to in his brief is sustained. His other objections are overruled.

Alien is hereby found to be a member of the Communist Party of America, organized in September, 1919, and therefore as coming within the Secretary's ruling in the Preis case. On this ground it is ordered that the alien be deported under the act Congress of October 16, 1918. For the purpose of protecting any rights under the law which the alien may have, his attorney is to be supplied with a copy of this decision.

LOUIS F. POST,
Assistant Secretary.

MARCH 24, 1920.

Memorandum for the Assistant Secretary.

In re Alexander Laczynski, Polish, age 27, single, entered at Hoboken, N. J., November 23, 1907, steamship unknown.

Warrant was issued on January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons set forth in the warrant, copy of which is in the record.

Hearing was accorded at Toledo, Ohio, on January 11, 1920, the alien being represented by counsel. The record shows that he is literate and obtained his first citizenship papers over five years ago; that he admitted being a member of the Communist Party of America; that he had been a member for three months and paid his dues to the secretary; that his brother, Wacław Laczynski, was the secretary. He further testified that his section of the Communist Party had arranged to make a demonstration on January 11 to commemorate the four men who were hanged in Poland—that they were Socialists—that he was in charge of the arrangements for the singing, but his arrest had interrupted all plans. The records shows that the alien was an active member of the Communist Party. He is being detained in the Lucas County Jail, Toledo, Ohio, in default of bond.

The examining officer and the inspector in charge at Cleveland, Ohio, recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the grounds, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Poland at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel (written over word "deport").

LOUIS F. POST,
Assistant Secretary.

Memorandum for the Assistant Secretary.

APRIL 9, 1920.

In re Alexander Laczynski.

With the practical elimination of the congestion in the section devoted to Communist and kindred cases, odds and ends are being rounded up and we have found that in this case memorandum was prepared by the bureau recommending deportation on the 13th of March, whereupon the department approved and, after it came back into the files, for some unaccountable reason the memorandum of approval, with the decision thereon, with another memorandum thereon of the Assistant Secretary, became detached from the file. Thereafter and on the 24th of March, another memorandum was prepared by the bureau, again recommending deportation, and upon its being transmitted to the department it was returned with an order of cancellation, so that at this time there appears to be one prior order directing deportation and a subsequent order directing cancellation.

Of course, the testimony in the case is identical with that reported to the department on the 13th of March. It is proper to state that notice of cancellation has been sent to the district.

The bureau can only account for the happening of the foregoing by reason of the congestion and confusion existing at the dates of the respective memoranda.

Instructions are requested.

A. CAMINETTI,
Commissioner General.

The findings of fact in the department memorandum of March 13, 1920, are erroneous. The evidence in the case shows that the alien was an "automatic" member who did nothing after the transfer of his branch to confirm his unconscious membership. The order of March 13 was canceled by the order of March 24 and the order of March 24 stands, namely, that the warrant be canceled.

LEWIS F. POST,
Assistant Secretary.

APRIL 9, 1920.

CASE OF PAUL BOSCO.

This is an analysis of the case of Paul Bosco, an alien, as shown by Bureau of Immigration File No. 54616/242.

The subject was born in the southern part of Russia, close to the German frontier.

The case, it seems, originated, in so far as the Department of Labor, Bureau of Immigration, is concerned, with a personal letter written by United States district attorney, Stuart W. Walker at Martinsburg, W. Va., dated June 4, 1919, and addressed to Hon. A. Mitchell Palmer, Attorney General, which reads as follows:

Permit me to express my very great delight in learning from the papers that the dastardly attempt on your life and that of your family was only an attempt, and that no harm befell you or yours. At the same time of the expression of this gratification on my part I hope it will not be regarded as amiss or improper on my part to call your attention to a case from my district disposed of on the 18th day of January, 1918, of

the United States against one Paul Bosco. Bosco came to this country from the southern part of Russia, on the German border.

On inquiry from the department under date of February 27, 1919, which doubtless is in your files, I undertook to give a history of this man as gathered by me in this trial, in opposition to a commutation of his sentence or pardon. I have since learned through the press that this man has either been pardoned or his sentence reduced, and my mind necessarily goes back to this case on learning the dastardly attempt on your life by some one the other night. One of the men implicated with this Bosco by the name of Frank Johnson, and on whom I have abundance of evidence to convict, is a fugitive from justice; I have traced him through Ohio to New York, but I have been unable to locate him. Bosco is such a dangerous character and was so considered by the labor organization in Morgantown, this district, where he committed the overt acts against the Government and for which he was convicted, that he was ejected bodily from the labor organization's headquarters and his former associates came in numbers to Parkersburg, where he was tried, and testified against him. They were so apprehensive of the dastardliness of this man and his associates that they warned the marshal of this district that danger might exist for me in the trial of the case if any bitter denunciations should be used against Bosco. The marshal therefore stationed through the court room his deputies in order to forestall any attempt that might be made by this man's associates. I did not hesitate in vigorously going after him and his kind in the argument of the case and the jury very promptly convicted him. At the time of his sentence, as reported in my letter of February 27, last, he defiantly, in that crowded court room, announced to the court that he hoped that when he would be released from the Atlanta Penitentiary he would find the red flag waving over the American flag.

I simply give you these facts, not in complaint of his sentence having been reduced or his having been pardoned, as I have no right to do so, and I want to be understood as not in the slightest complaining; what I want to suggest is that this man, in the event of his not having yet been released from the Atlanta Penitentiary, be immediately deported. I have no question as to his dangerous tendencies, nor have I any question as to the dangerous tendencies of this man Johnson, whom I have not been able to locate. The third man who was indicted with these two men was a citizen of German extraction from Morgantown, this district, and was defended and cleared by Mr. Stedman, of Chicago, who was sent there to defend him. Gneiser is the man referred to as being defended by Stedman. Gneiser may have been properly acquitted because he showed remarkable shrewdness in his conduct with Bosco and Johnson, always putting them to the fore, and not implicating himself in any open way in the presence of witnesses. After he was acquitted he removed from Morgantown to Ohio.

I have letters in this office that the man Johnson wrote to Bosco, advising him to go to Ohio and register under the draft under the name of his brother, and then get passports in his brother's name, and leave this country. He told Bosco that he so much resembled his brother that he could take his brother's photograph and fool the Government authorities, and in this way get away.

I do not know if this man Johnson has any connection with this bunch of anarchists in the East or not. We do know that after he went from Morgantown that he drifted through Ohio and then went to New York, where he had secured a scholarship in a socialist school in New York, or a school of kindred character.

I am worrying you with all these details because it might throw some light on the investigations the papers say the department is making, and I do urge, if it be not improper by reason of which I have learned and know of Bosco, that if he is pardoned or his sentence has been reduced, as the papers have indicated, that he is a fit subject for deportation. I have no question about his anarchistic tendencies, and his open defiance was illustrated in court.

This letter, or a copy of same was transmitted to the Secretary of Labor under date of June 17, 1919, by Claud R. Porter, Assistant Attorney General, with a letter from Mr. Porter reading as follows:

I have the honor to transmit herewith for your consideration a copy of a letter from the United States attorney at Martinsburg, W. Va., with respect to one Paul Bosco, who is now serving a term of two years in the Atlanta Penitentiary for violation of the espionage act. Bosco is of strong anarchistic tendencies, and while he was sentenced to 10 years' imprisonment the same has been commuted by the President to two years.

Bosco's term will expire on September 1, 1919, and in view of his anarchistic tendencies, it is suggested that steps be taken to have him deported promptly upon his release from the Atlanta Penitentiary on September 1. Mr. Walker, the district attorney, in a personal interview with officials of this department, laid stress upon the bad character of this man.

The letter from Mr. Porter in the immigration files bears the following indorsement, written across the face in ink:

6/18—Issue W/A Anarch, Anarchize, Anarcoten, Anotoid, Disbeliever, Send to Jacksonville with copy of this letter and its inclosure.

The five words in this memorandum are code words for various charges to be contained in the warrant of arrest, same pertaining to anarchists, disbelievers in governments, etc.

The formal warrant of arrest was issued June 20, 1919, signed by Acting Secretary Abercrombie, and reads as follows:

DEPARTMENT OF LABOR,
Washington.

To Thomas V. Kirk, inspector in charge, Jacksonville, Fla., or to any immigrant inspector in the service of the United States.

Whereas, from evidence submitted to me, it appears that the alien, Paul Bosco, who landed at an unknown port, on or about the 1st day of January, 1916, has been found in the United States in violation of the act approved October 16, 1918, for the following among other reasons: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government;

I, John Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1919." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 20th day of June, 1919.

Exact copy as signed by John W. Abercrombie; mailed June 20, 1919, by ———, Acting Secretary of Labor.

The same was transmitted under date of June 20, 1919, to the inspector in charge at Jacksonville, Fla., with the following memorandum:

The bureau transmits herewith formal warrant of arrest issued to-day for Paul Bosco, who is at present an inmate of the Federal Penitentiary at Atlanta, Ga. A copy of a letter from the Assistant Attorney General, with its inclosure is also inclosed.

A hearing on the warrant of arrest under deportation proceedings was granted the alien, Paul Bosco, by Immigration Inspector Thomas V. Kirk at the United States Penitentiary in Atlanta, Ga., under date of June 25, 1919. Bosco at that time was serving a sentence for violation of the espionage act. A copy of the testimony adduced at the hearing follows:

Alien sworn.

Q. What is your name?—A. Paul Bosco.

Q. Have you ever been known by any other name?—A. No.

Q. My object in coming here is to give you an opportunity to show cause why you should not be deported at the expiration of your prison sentence. I have a warrant for your arrest, signed by John W. Abercrombie, Acting Secretary of the Department of Labor, dated June 20, 1919, No. 54616/242, the charge against you reading as follows: "That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government." You are entitled to be represented by an attorney at this hearing.—A. I do not think it necessary to have an attorney.

Q. Then do you waive all right for an attorney and are you ready for the hearing to proceed?—A. Yes.

Q. I hand you the warrant which you will please read.—A. (Alien reads the warrant carefully.) I am not an anarchist. I did not know just what anarchy was until I was accused of it. After I was accused of it I read up and studied on it to find out what anarchy was, and I must say after informing myself I have no objections to anarchists or their principles, as the Constitution of the United States does not forbid anarchistic propaganda or anarchistic doctrines.

Q. Does your understanding of anarchy agree with anarchy or the definition of anarchists as given in the United States immigration law and as set forth specifically in the charge against you in the warrant which you have just read?—A. (Alien carefully reads charge in the warrant, then hesitates for some little time.) I do not believe in the overthrow of law, but whenever laws are against the people I see no reason why the people should not resist their enforcement by force, if it is attempted to enforce the law by force. Whenever Congress passes a law that is contrary to the interests of the people and contrary to the rights guaranteed by the Constitution, then the people are justified in resisting the enforcement of such a law in any way they can—this to uphold their constitutional rights. I think it is the duty of every workingman to take this position.

Q. Of what country are you a citizen or subject?—A. I was born in Russia.

Q. How old are you?—A. I am 27 years old.

Q. When did you first come to the United States?—A. In 1911, from Russia, and landed at Hoboken, N. J., January, 1911, on the *Kaiserin Augusta Victoria*.

Q. Have you ever taken any steps to become a citizen of the United States or any other country?—A. Yes; I got my first papers for United States citizenship at Moundsville, W. Va., in 1914.

Q. Have you ever gotten full citizenship papers?—A. No, sir.

Q. Why not?—A. Just neglect.

Q. Are you married?—A. No.

Q. Have you any relatives in the United States?—A. Yes; a brother, George Bosco, 510 Morgan Avenue, Brooklyn, N. Y.

Q. Does he have the same ideas about Government that you have?—A. I don't know what he believes.

Q. When you first came to the United States how much money did you bring?—A. About \$60. Brought nothing else to amount to anything.

Q. How much money have you now?—A. About \$30. I left some property in Russia, but don't think it in such shape that I could get anything out of it now.

Q. What is your occupation?—A. I have been a glass cutter since I was about 14 years old. For a few months before I was arrested I was in business for myself, selling ice cream and drinks at Morgantown, W. Va.

Q. Why were you arrested?—A. I was arrested at Morgantown, W. Va., for distributing leaflets. The subject of the leaflets was The Price We Pay.

Q. By what organization was this leaflet gotten up?—A. By the Socialist Party.

Q. Did you distribute any of the leaflets?—A. I sold some socialistic propaganda, as we usually do.

Q. What do you mean by we?—A. I mean socialists.

Q. Just what kind of propaganda did you sell?—A. They did not make any charge against me for selling literature. The charge against me was for distributing the leaflet "The price we pay," which was an argument against world militarism.

Q. For what offense were you tried and convicted and sent to this prison?—A. As I understand it, I was arrested and convicted and sent here for distributing the leaflet "The price we pay." This leaflet was written by John Santuckner, of Chicago, I think, about 1915.

Q. When were you convicted?—A. I was convicted at Parkersburg January 16, 1918.

Q. When did you first become identified with anarchists?—A. I never was identified with an organization of that kind.

Q. When were you convicted at Parkersburg—for how long were you sentenced?—A. For 10 years.

Q. When your sentence and term in penitentiary for 10 years was announced in the crowded court at Parkersburg, did you not state defiantly that you hoped that when you were released from the penitentiary that you would find the red flag waving over the American flag?—A. Yes; I said that.

Q. Do you still hope that?—A. Yes.

Q. And you don't call that anarchy?—A. I don't call that anarchy because the red flag is an international emblem.

Q. You have been living in this country how long?—A. About eight years.

Q. And you think you are better qualified to say what kind of a flag we should have and what kind of laws Congress should make than our best statesmen who were born in this country?—A. I don't mean especially for this country, but for the world.

Q. Then you claim you are better qualified to say what kind of laws the world should have than our President and our Congressmen?—A. I say this because the Constitution of the United States gives every man of the United States a right to express his opinion; but before I said this I carefully looked over the Constitution of the United States and it does guarantee free speech, free press, and free assemblage.

Q. After being in this country seven years you regard yourself a first-class constitutional lawyer and presume to know more about the Constitution than our President and our best Congressmen, do you?—A. The Constitution is plain on free speech, free press, and free assemblage.

Q. Don't you think it would be better for a newcomer to this country to leave the interpretation of the Constitution and the laws of the country to properly constituted authority, rather than to place your own interpretation on these matters, at least until you become a citizen of the United States?—A. I think the Constitution guarantees freedom for foreign people the same as for United States citizens, therefore I try to exercise my privilege.

Q. The Constitution does not give sufficient liberty to aliens as well as to United States citizens and if you would be satisfied with the same kind of liberty that I and all other United States citizens have I do not think you would be in this trouble, do you?—(No answer.)

Q. Were you not treasurer of the liberty defense fund before you were arrested at Morgantown?—A. Yes.

Q. Did you collect any money in that capacity; and if so, how much?—A. Yes; I did. I suppose about \$50 or \$75.

Q. Just what was the object of this organization?—A. The object was to raise some money to help some of our comrades who had been arrested.

Q. What do you mean by your comrades, some more international and constitutional lawyers, like yourself; people who would like to have the red flag flying instead of the United States flag?—A. Comrades who did enjoy their constitutional rights.

Q. Is there any further statement you would like to make as to why you should not be deported to Russia after your sentence expires here?—A. If the United States authorities are not willing for workmen to exercise industrial democracy, then I would not object to going back to free Russia.

FINDING.

Alien came to the United States from Russia, landing at Hoboken, N. J., in January, 1911; declared his intention to become a citizen of the United States at Moundsville, W. Va., in 1914; was convicted for violation of the espionage act at Parkersburg, W. Va., in January, 1918, and given a sentence in the United States Penitentiary, Atlanta, Ga., for 10 years, which sentence has been reduced to 2 years. Sentence is due to expire in about 30 days. Alien says he does not belong to any organization of anarchists, but his declaration as to what he does believe in as to government and enforcement of law, to my mind, constitutes positive proof that he is an anarchist of the worst type, and it is recommended that he be deported as such at the expiration of his sentence.

In connection with this matter the department's special attention is called to a letter (copy inclosed) dated Morgantown, W. Va., June 4, 1919, from Stuart W. Walker, United States attorney, to Hon. A. Mitchell Palmer, United States Attorney General.

THOS. V. KIRK,
Examining Inspector.

Under date of July 15, 1919, the record of the hearing accorded Bosco was transmitted to the Bureau of Immigration for the action of the Department of Labor, together with a letter from the inspector in charge at Jacksonville, Fla., recommending the alien's deportation and reading as follows:

Referring to department warrant No. 54616/242, dated June 20, 1919, I am inclosing herewith record of hearing in the case of the alien Paul Bosco, now detained in the United States Penitentiary, Atlanta, Ga., whose term will expire in about 30 days.

For the reasons stated in the finding, it is recommended that the alien be deported as an anarchist at the expiration of his prison sentence.

The record was reviewed by the Law Division of the Bureau of Immigration, and under date of July 21, 1919, a memoranda for the Acting Secretary, prepared and signed by A. Caminetti, Commissioner General of Immigration, stating—

The bureau is of the opinion that the alien's own statement and admissions clearly substantiate all of the charges in the warrant of arrest, and upon those grounds his deportation to Russia at Government expense is recommended when possible * * * and it is further recommended that immediately upon his release (this means release from the penitentiary) he be taken into custody by this service and detained until his removal from the country can be accomplished.

This memoranda was approved by the Acting Secretary and bears the notation in pencil as follows: "Where shall we hold him? New Orleans?"

While quoting another memoranda, it is desired to call particular attention to the above-quoted paragraph, which indicates the intention of holding this alien without bond until his deportation can be accomplished.

The memoranda now follows:

The above-named alien was arrested at the Federal prison, Atlanta, Ga., on the grounds that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government.

This case arose as the result of the alien's conviction and sentence in the Federal courts at Parkersburg, W. Va., for violation of the espionage act, the sentence at first being 10 years in the above-named prison but later commuted to 2 years. He states that he was convicted and sentenced for distributing leaflets at Morgantown, W. Va., entitled "The price we pay," and that such leaflets were prepared by the Socialist Party; also that he sold other socialistic propaganda. He further admits that at the time sentence was pronounced in the crowded courtroom at Parkersburg he stated defiantly that he hoped that when he was released from the penitentiary he would find the red flag waving over the American flag, and he still hopes that this may be the case. He evidently sets himself up as a constitutional authority, saying that he did not believe the above statement he made in the courtroom was anarchistic because the red flag is an international emblem. He was given an opportunity to read the warrant. After doing so he stated as follows: "I am not an anarchist. I did not know just what anarchy was until I was accused of it. After I was accused of it I read up and studied on it to find out what anarchy was, and I must say, after informing myself, I have no objections to anarchists or their principles, as the Constitution of the United States does not forbid anarchistic propaganda or anarchistic doctrines.

He was then asked if his understanding of anarchy agreed with the definition of anarchy as given in the United States immigration law and as set forth in the warrant of arrest, and replied, after considerable hesitation: "I do not believe in the overthrow of law, but whenever laws are against the people I see no reason why the people should not resist their enforcement by force, if it is attempted to enforce the law by force. Whenever Congress passes a law that is contrary to the interests of the people and contrary to the rights guaranteed by the Constitution, then the people are justified in resisting the enforcement of such a law in any way they can—this to uphold their constitutional rights. I think it is the duty of every workingman to take this position."

The alien has not taken out final citizenship papers, and stated that he had not done so simply because of neglect. He says that he was treasurer of the liberty defense fund at Morgantown, W. Va., and during the period of his office collected about \$75, the object of which was to assist some of his comrades who had been arrested.

In a letter to Attorney General Palmer, copy of which is made a part of the record, the United States attorney at Parkersburg, who prosecuted the alien under the espionage act, states that he is considered as a very dangerous man; that he was bodily ejected from the labor organization's headquarters at Morgantown, and that his former associates came in numbers to Parkersburg to testify against him; also that they considered him so dangerous that they warned the marshal of that district that danger might exist during the trial.

The bureau is of opinion that the alien's own statements and admissions clearly substantiate all of the charges in the warrant of arrest, and upon those grounds his

deportation to Russia at Government expense is recommended, when possible. His term in the penitentiary will soon expire, and it is further recommended that immediately upon his release he be taken into custody by this service and detained until his removal from the country can be accomplished.

Under date of July 24, 1919, the Assistant Commissioner General of Immigration, with the approval of the Acting Secretary of Labor, addressed the following letter to the commissioner of immigration at New Orleans:

The bureau transmits herewith for your information copy of a formal warrant of deportation issued to-day for Paul Bosco. This alien is confined in the Federal penitentiary at Atlanta, Ga., but will be released from custody in about three weeks, at which time he will be delivered at your station by an officer detailed by the inspector in charge at Jacksonville for detention after his deportation can be effected.

The expenses incident to such detention, including the expenses of delivering the alien at Ellis Island, New York Harbor, for deportation, as well as those of an attendant who will accompany him, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1920."

It will be noted in this letter no provision is made for the release of this alien under bond. To the contrary, the instructions are to detain him until his deportation can be effected. The warrant for his deportation, dated July 24, 1919, reads as follows:

DEPARTMENT OF LABOR,
Washington.

FREDERIC C. HOWE,

Commissioner of Immigration, Ellis Island, New York Harbor.

Whereas, from proofs submitted to me, after due hearing before Immigrant Inspector in Charge Thomas V. Kirk, held at the Federal Penitentiary, Atlanta, Ga., I have become satisfied that the alien Paul Bosco, who landed at the port of New York, N. Y., ex-steamship *Kaiserin Auguste Victoria*, on or about the 15th day of January, 1911, has been found in the United States in violation of the act approved October 16, 1918, to wit: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government, and may be deported in accordance therewith;

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to Russia, the country whence he came, at the expense of the appropriation "Expense of regulating immigration, 1920." You are directed to purchase transportation for the alien from New York to such point in Russia as you may designate at the lowest available rate, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 24th day of July, 1919.

ACTING SECRETARY OF LABOR.

Exact copy as signed by John W. Abercrombie; mailed July 25, 1919.

Under the same date the formal notice of the issuing of said warrant of deportation was forwarded to the inspector in charge of the Immigration Service at Jacksonville, Fla.

Attention is again called to the fact that no bond was provided for in either the formal notice to the inspector at Jacksonville nor in the warrant of deportation. The formal notice referred to reads as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, July 24, 1919.

INSPECTOR IN CHARGE,

Immigration Service, Jacksonville, Fla.

Sir: The bureau acknowledges the receipt of your letter of July 15, No. 122/116, transmitting record of hearing accorded the alien Paul Bosco, who landed at the port

of New York, N. Y., ex steamship *Kaiserin Auguste Victoria*, on or about January 15, 1911. After a careful examination of the evidence submitted in this case, the department is of opinion that the alien is in the United States in violation of law. You are therefore directed to cause him to be taken into custody and conveyed to New Orleans, La., the expenses incident to such conveyance, including the employment of an attendant to assist in delivery, if necessary, at a nominal compensation of \$1 and expenses both ways, being authorized, payable from the appropriation "Expenses of regulating immigration, 1920."

Upon his release from prison by the proper authorities the alien should be taken into custody and conveyed to New Orleans, La., for detention until his deportation can be effected.

For the Commissioner General.

Exact copy as signed by Alfred Hampton, mailed July 25, 1919, by ———, Assistant Commissioner General.

Approved.

Exact copy as signed by John W. Abercrombie.

Mailed July 25, 1919, by acting secretary. Inclosed W. D. No. 2407.

Under date of July 24, 1919, an official copy of the warrant of deportation was sent to the commissioner of immigration at Ellis Island, N. Y., together with a memoranda reading as follows:

Official copy to the commissioner of immigration, Ellis Island, N. Y., for his information. The alien will be conveyed to your port at such time as the necessary arrangements have been made, by an officer detailed by the commissioner of immigration at New Orleans, La., to whom advices should be forwarded at the proper time. The alien is at present confined in the Federal penitentiary at Atlanta, Ga., but will be released in about three weeks, at which time he will be conveyed to New Orleans for detention until his deportation can be effected. No foreign address is given.

Under date of July 28, 1919, the inspector in charge at Jacksonville, Fla., addressed the following letter to the commissioner of immigration:

Referring to bureau letter of the 24th instant, No. 54616/242, directing that the alien Paul Bosco be conveyed to New Orleans for detention until his deportation can be effected, it is observed that the department warrant in the case of this alien, date and number as given above, is issued to Frederic C. Howe, Commissioner of Immigration, Ellis Island, New York Harbor, N. Y.

It is thought at this office that the direction that the alien be conveyed to New Orleans for detention, until such time as he can be deported, is due to congestion at Ellis Island, but as the letter directs that he be conveyed to New Orleans and the warrant is issued to the commissioner at Ellis Island, it was thought advisable to call attention of the bureau to this matter, in order that the bureau's intentions will be carried out when the alien is conveyed to New Orleans for detention.

This letter was replied to by the commissioner of immigration under date of August 4, 1919, as follows:

Replying to your letter of the 28th ultimo, No. 122/116, relative to the case of Paul Bosco, you are requested to arrange with the commissioner of immigration at New Orleans to send an officer from his station to Atlanta for the purpose of taking the alien into custody upon his release from the Federal penitentiary, and conveying him to New Orleans for detention until his deportation to Russia can be accomplished. The expenses will be payable from the allotment for your district.

Under date of July 30, 1919, the inspector in charge at Jacksonville, Fla., addressed the following communication with reference to this case to the Commissioner General of Immigration:

Referring to department warrant of deportation in the case of the alien Paul Bosco, No. 54616/242, dated July 24, 1919, and to letter from the bureau to this office bearing the same date and number, directing that the alien be conveyed to New Orleans for detention until such time as he can be deported, I desire to suggest, inasmuch as the work at this office is very much congested at this time, that we would appreciate it if the bureau can arrange for Inspector Joseph H. Wallis, New Orleans, La., to take charge of this alien at the expiration of his prison sentence and convey him to New Orleans for detention until deportation can be effected.

For information of the bureau I will state that I know this arrangement will be perfectly satisfactory to Mr. Wallis, and I may further state that it will be less expensive for Mr. Wallis to proceed from New Orleans to Atlanta and return than it will be for this office to detail an officer from Jacksonville for the purpose outlined.

Under date of August 6, 1919, the Commissioner General of Immigration addressed the following communication to the commissioner of immigration at New Orleans:

1. Please arrange to have Inspector Joseph H. Wallis proceed to Atlanta, Ga., upon receipt of advices from the Jacksonville office, for the purpose of taking into custody and conveying to New Orleans for detention the alien Paul Bosco, who is now confined in the Federal penitentiary at Atlanta and will be released in about three weeks.

2. The expenses incurred by Inspector Wallis in making the trip will be chargeable to the allotment of district No. 7.

And under the same date, August 6, addressed the following communication to the inspector in charge at Jacksonville, Fla.:

Replying to your letter of the 30th ultimo, No. 122/116, relative to the case of the alien Paul Bosco, who is now confined in the Federal Penitentiary at Atlanta, Ga., you are advised that Inspector Joseph H. Wallis, New Orleans, La., has been directed to proceed to Atlanta, upon receipt of advices from your office, for the purpose of taking the alien into custody and conveying him to New Orleans for detention.

Under date of September 29, 1919, the inspector in charge at Jacksonville, Fla., addressed a letter to R. H. Marr, attorney at law, New Orleans, inclosing a copy of same to the Bureau of Immigration. This letter reads as follows:

Replying to your letter of the 27th instant, I have to advise that the case of Paul Bosco, so far as this office is concerned, is closed.

For your information I will state that the alien had ample opportunity to secure an attorney at the time of his hearing and waived his right thereto, stating he did not regard it necessary for him to have an attorney.

A copy of same was transmitted to the Bureau of Immigration with a letter dated September 29, 1919, from the inspector in charge at Jacksonville, reading as follows:

Referring to bureau letter of August 6, 1919, No. 54616/242, and to warrant of deportation dated July 24, 1919, bearing the same number, in the case of the alien Paul Bosco, I have to advise that this alien, upon the expiration of his sentence in the United States penitentiary at Atlanta, Ga., was taken into custody by Assistant Commissioner Joseph H. Wallis, of New Orleans, La.; and conveyed to the immigration station at New Orleans for detention pending deportation. The alien is now detained at that port.

This office is just in receipt of a letter dated New Orleans, La., September 27, 1919, written by R. H. Marr, attorney at law, 1020-1021 Hennen Building, which reads as follows:

"The United States Civil Liberties Bureau has asked me to look into the case of Paul Bosco, held here for deportation. I shall be pleased if you will be kind enough to furnish me with the reports in the case."

As this alien was given ample opportunity to secure an attorney at the time of his hearing but waived his right to do so, I think the matter, so far as any lawyer is concerned, should be regarded as closed; however, if the bureau directs, I will furnish Attorney Marr with the record in the case. Copy of my reply to Mr. Marr's letter is inclosed herewith.

In addressing the letter to attorney Marr, the inspector in charge at Jacksonville was following a long standing custom or regulation of the Immigration Bureau to the effect that the Immigration Service could recognize only an attorney whom the alien had gone on record as desiring to appear in his behalf. The custom or regulation in a case of this kind wherein the attorney claimed to have been retained by some outside sources in behalf of the alien had, until

recently, been to advise the alien of his right to counsel, but that such and such an attorney had claimed to be retained by such and such a party in his behalf and in the event the alien then went on record as desiring said attorney to represent him, to recognize that attorney, but otherwise he was not to be recognized in the case.

Recently a new regulation with reference to attorneys has been issued, but even in this new regulation the alien has somewhat to say as to who shall or who shall not represent him. A regulation was also issued to the effect that it was unnecessary for an alien to have more than one attorney and unless it were members of the same firm, not more than one attorney should be recognized and that before any attorney, not a member of the same firm, could be recognized, and particularly in a deportation proceeding, the attorney first recognized must have gone on record as withdrawing entirely from the case. Special attention is called to this regulation with reference to attorneys (an effort will be made to obtain copies of same) in order that the correspondence which followed in connection with the Paul Bosco case may be more readily understood.

Under date of September 30, 1919, on a letterhead of the National Civil Liberties Bureau, 41 Union Square, New York, a letter was addressed to Hon. John W. Abercrombie, Acting Secretary of Labor, by Walter Nelles, listed as counsel for the before-mentioned organization or society. This letter bears the indorsement in ink to the effect that it was referred October 1, 1919, to the Bureau of Immigration by Acting Secretary Abercrombie, and reads as follows:

[National Civil Liberties Bureau, 41 Union Square, New York. Officers: I. Hollingsworth Wood, chairman; Normal M. Thomas, vice chairman; Helen Phelps Stokes, treasurer; Albert De Silver, director; Paul J. Furnas, associate director; Walter Nelles, counsel. Directing committee: John S. Codman, Crystal Eastman, John Lovejoy Elliott, Edmund C. Evans, Edward W. Evans, William A. Fincke, John Haynes Holmes, Agnes Brown Leach, Judah L. Magnes, John Nevil Sayre.]

SEPTEMBER 30, 1919.

HON. JOHN W. ABERCROMBIE,
Acting Secretary of Labor, Washington, D. C.

DEAR SIR: Paul Bosco, an alien who is to be deported to Russia via New York, is now being held at the immigration station at New Orleans. A correspondent there advises us that he can not be admitted to bail except by order from your office at Washington. I assume that in this case, as in others of Russians where deportation will not be practicable for a considerable time, bail will be permitted. If you will make the order, I should be greatly obliged if you will let me know that you have done so. If any particular showing must be made before bail is granted, will you not let us know its nature?

Yours, very truly,

WALTER NELLES.

The National Civil Liberties Bureau was brought into being by radicals of the Roger Baldwin type for the purpose of assisting men to evade the selective-service act. Baldwin, one of the organizers of the "bureau," was convicted and served about one year in a Federal penitentiary for violating the selective-service act. This group of radicals was particularly active in and about New York City and manufactured a multitude of "conscientious objectors," going so far as to furnish legal advice.

Under date of October 10, 1919, Charles Recht addressed the Commissioner General of Immigration as follows:

I appear for Paul Bosko, who is now held at New Orleans, awaiting deportation to Russia.

As the department is not now in a position to return people to Russia, I would appreciate it if you would fix a reasonable amount, say \$500, as bail for this man, and so instruct the department at New Orleans, until such time as his deportation can be effected.

This letter bears a footnote in pencil reading as follows:

Miss Weiss called at bureau and advised alien's friends have now raised \$500 for bond. Consider advisability his release on bond on this or larger amount.

W. J. P.

The Miss Weiss referred to in footnote is Rose Weiss, an attorney in the law firm of Charles Recht, the latter, it will be remembered, is the same attorney who appeared with Caroline Lowe before the Bureau of Immigration in the cases of aliens brought from the Pacific coast to Ellis Island and later released.

Charles Recht is recognized in and around New York as attorney for many anarchists, I. W. W.'s, Communists, and antigovernment organizations. Recht was appointed chief counsel and legal advisor for Ludwig K. C. Martens, which position he holds to date.

Going back to Recht's letter of October 10, which has been quoted, special attention is called to the language used. He says, "I appear for Paul Bosco." He does not say that he was retained by Bosco, nor does he say who authorized him to appear in this alien's behalf. If all the regulations with reference to attorneys, issued by the Department of Labor, had been followed in this case, Recht could not and should not have been recognized as attorney for Bosco. That he was recognized as attorney, however, is shown by his letter of October 27, 1919, to the Commissioner General of Immigration, reading as follows:

Some time ago I made application for the fixing of bail in the case of this alien who is held at New Orleans awaiting deportation to Russia. As it is not likely that this deportation can be effected for some time, it would be advisable to fix bail at a reasonable sum. The friends of this alien have raised \$500, which under all the circumstances might be accepted in this case.

And the reply thereto under date of November 1, which reads as follows:

In response to your letter of the 27th ultimo, making application for bond in the case of Paul Bosco, now confined at New Orleans awaiting deportation to Russia, you are advised that the bureau will give the matter consideration within the near future and will inform you of its decision.

Special attention is called to this reply to Recht, wherein it is stated with reference to the request that Recht made, that bond be fixed in the Bosco case, that the bureau would give consideration to the matter of bond and would advise him later of its decision, thereby indicating that up to that time, November 1, 1919, no change had occurred in the original policy adopted at the time of the issuing of the warrant of arrest for Bosco with reference to this admittance to bond. Under date of November 7, 1919, Recht again addressed the Commissioner General of Immigration on the subject of bond for Bosco, his letter reading as follows:

Will you please advise us of your decision in regard to the release on bail of Paul Bosco, and oblige?

This letter evidently was not answered, and under date of November 26, 1919, he again addressed the Bureau of Immigration on the subject, his letter reading as follows:

I should appreciate it if you would advise us as to your decision in the matter of fixing bail for Paul Bosco. We have not heard from you for some time concerning the matter and shall appreciate your reply.

Attached to this letter in the files of the Bureau of Immigration, on a separate piece of paper, is a memorandum which reads:

Mc. Why can't we bring this man on to Ellis Island? Rewrite memorandum and refuse mail [bail]. Initial "C."

The memorandum referred to in the foregoing note unquestionably referred to a memorandum for the Acting Secretary dated December 2, 1919, indicating that the facts concerning the alien in question were reviewed. This memorandum which was signed by the Commissioner General and approved by the Acting Secretary, specifically denied bond to the alien. The memorandum reads as follows:

The facts concerning this alien are reviewed in bureau memorandum indicated at marker, to which your attention is invited. He is now confined at the New Orleans' detention station awaiting deportation to Russia. His attorney, Charles Recht, requests that alien be released under bond in the sum of \$500 until such time as his removal from the country can be effected.

The evidence in this case shows that Bosco is considered a dangerous man, a menace to the community and not a fit person to be at large. As he is a citizen of Russia and is to be deported to that country, the bureau recommends that the request for bond be denied and that he be brought at once to Ellis Island and held there until his removal from the country can be effected.

Special attention is called to the last paragraph of this memorandum, which indicates that a decision to transfer this alien from New Orleans to Ellis Island until he could be deported had been reached. In following out this new policy, a telegram was sent the Immigration Service at New Orleans by the Assistant Commissioner General, under date of December 4, 1919, reading as follows:

By direction Acting Secretary join Paul Bosco to Russell party for conveyance to New York.

CAMINETTI.

(Signed.) ALFRED HAMPTON,
For the Commissioner General.

The same date Attorney Recht, of New York, was advised that the department had decided not to accept bond in the Bosco case. The letter from the Commissioner General to Attorney Recht reads as follows:

The bureau refers to your letter of November 26, and advises the department has decided not to accept bond in the case of Paul Bosco.

A memorandum concerning this case appears in the files of the Bureau of Immigration, and reads as follows:

1. Full name of person arrested: Paul Bosco.
2. Number of case (Bureau of Immigration files): 54616/242.
3. Date of warrant of arrest: June 20, 1919.
4. Charge upon which arrest was made: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force and violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government.
5. Date and place of arrest: June 25, 1919, Atlanta, Ga.
6. Disposition of case: Warrant of deportation to Russia at Government expense issued July 24, 1919. Transferred to New Orleans for deportation on release from United States penitentiary. Application for release on bond denied.
7. Status of case at present: Pending, awaiting deportation.

The Russell party referred to in the telegram of December 4, which was a pick-up deportation party, evidently took a different route from that intended, and the officer in charge at New Orleans so advised the bureau by wire, requesting instructions as to whether or not he

should deliver Paul Bosco to Ellis Island. Under date of December 19, 1919, he was advised by the bureau in a telegram to defer delivery of Paul Bosco to New York pending further instructions. Under date of February 27, 1920, one Harry Weinberger, who is recorded as counselor at law, 261 Broadway, New York, addressed a letter to the commissioner of immigration concerning the alien Paul Bosco. The letter reads as follows:

Will you kindly advise me in reference to the case of Paul Bosco, what the intentions of the department are in reference to him.

Will he be brought to New York for deportation, and if so how soon? Will time be given so that he may get clothes, and other necessities for deportation? Until the time of deportation, will any bail be fixed for him?

In reply to this letter the bureau addressed Weinberger under date of March 2, 1920. The letter reads as follows:

Referring to your letter of the 27th ultimo, you are advised that as you do not appear to be the attorney of record in the case of Paul Bosco, the bureau is not in a position to advise you of the status of this matter or to furnish you with the information called for in the last paragraph of your letter. The alien was represented before the Jacksonville, Fla., office by Attorney R. H. Mar, of New Orleans, and before the department by Attorney Recht, of New York City.

If satisfactory evidence is placed before the bureau showing that Attorney Recht has withdrawn from the case, the bureau will be glad to furnish you with such information from its file as you may desire and which it would be proper for it to furnish.

Special attention is called to the last paragraph of this letter which indicates that in so far as this attorney is concerned the regulations pertaining to attorneys in cases of this nature were being strictly adhered to.

LETTER OF MR. WEINBERGER.

Under date of March 2, 1920, Weinberger again addressed the the Bureau of Immigration, and particularly the Commissioner General of Immigration. His letter follows:

I have gotten a fairly full résumé of the papers in the case of Paul Bosco, now detained for deportation at New Orleans for more than six months.

I want to make certain requests in this case, and you may even consider them demands, as I feel that a palpable injustice has been done to this man. I desire complete stenographic copy of the evidence upon which his order for deportation was made. From his records, I understand, he is a Socialist and not an anarchist. In fact, he was arrested and convicted for distributing the Socialist pamphlet by Mr. Tucker, entitled "The Price We Pay." Mr. Bosco got out his first naturalization papers, and is willing to take out his second. He was a member of the Socialist Party, and a member of the American Flint Glass Workers' Union, and could get a job now as manager of the cutting department in the Weston (W. Va.) Glass House, Weston, W. Va., if he were released. Apparently the evidence on behalf of this man against his deportation was not properly presented to your department.

I ask, nay, even demand and insist, that his case be reopened; that bail be fixed at \$1,000 so that we can perhaps obtain the same, and the case transferred from New Orleans to New York, where I can handle the matter. Unless, of course, if you will look into this record again yourself, you will determine that the order of deportation should be canceled, and the man ordered released entirely.

I desire to be heard in this man's case. Of course, if he finally is deported, he should be ordered deported to Soviet Russia. It certainly is a peculiar situation where a Socialist who has filed his first application papers for citizenship should be deported as an anarchist, and in view of the fact that the individual is willing to file his application for final naturalization papers.

Does not your department realize that these cases come flooding in, and these calls for defense help from all parts of the country come to a few who are interested until it is almost hopeless to give aid or obtain justice or get the release of individuals who, without friends and without money, are simply caught in the juggernaut of your administrative machinery?

Continually I get partial evidence of your department, I presume unknowingly, being made an instrument to wreck vengeance of private individuals. I might mention two cases, the Chinese I. W. W. and the case of Rasmus Rasmussen.

Mr. Caminetti, I wish you would begin to realize that American justice the world around is being weighed through your department, and is being found wanting. I realize, of course, the flood of cases that your office has to handle. I realize that your machinery moves slowly, but it also grinds exceedingly small.

Let us have justice in this case. Fix bail at \$1,000, and let this man come out. Let me examine the record and let me submit an argument. Bosco is without funds and his health is broken. Apparently jails of America are to break the health of individuals as the wheels of old were to break their bones.

Wire me if you will fix bail at \$1,000 in this case, and will you wire New Orleans to send me stenographic copy of the evidence and the charges in this case.

Special attention is called to the demands made by Weinberger, as these demands will be commented on later in this memoranda. Weinberger's letter was not answered immediately and under date of March 8, 1920, he sent a telegram from New York City to the Immigration Bureau, which reads as follows:

Why the delay in decision Martinez, Ferruchom, and Bosco cases? Send me letter of information.

Under date of March 9, 1920, the Commissioner General of Immigration addressed a letter to Weinberger reading as follows:

Answering your letter of the 2d instant, which has further reference to the case of Paul Bosco, I beg to reiterate the statement made in my letter to you of the 2d instant that since you have submitted no evidence to show that you have succeeded the attorneys of record in this case, the record will not be submitted to you for your inspection.

Observing the tone of your letter, under acknowledgment, the bureau may be permitted to state that a plain statement of pertinent facts you desire to present might do just as well as the style you seem to affect.

I advised you in my letter of the 2d instant (which letter you have doubtless received some time since) of the manner in which you should proceed if you are desirous of representing this case at this late stage. If you do not choose to follow this course, kindly advise the bureau to that effect.

It will be noted that the regulation with reference to attorneys is still being adhered to.

Under date of March 6, 1920, Charles Recht addressed the Commissioner General of Immigration with reference to Weinberger's appearance in the Bosco case. His letter follows:

This is to inform you that Mr. Harry Weinberger, of No. 261 Broadway, New York, has also been retained by Mr. Carl Bosco, who is held for deportation, as his attorney, to act in cooperation with me in his case. However, should there be any objection as to Mr. Bosco's having more than one attorney in this matter, it is agreeable to me that Mr. Weinberger hereafter be considered the sole counsel in this case.

Not hearing from you further on this matter, I shall take it that it is satisfactory that both Mr. Weinberger and myself shall be the attorneys for Mr. Bosco.

Under date of March 3, 1920, Weinberger addressed the following letter to the Commissioner General of Immigration in connection with this case:

I have asked Mr. Recht's office to write you a letter stating that I am one of the attorneys of Mr. Paul Bosco—as a matter of fact, his sole attorney.

I do not understand the authority of your department to state that only one attorney could represent an alien. As a matter of fact he is entitled to as many attorneys as anyone else who is brought into a proceeding or court. However, Mr. Recht's office will write you that I am one of the attorneys, or if necessary, that he has withdrawn.

Attention is called to the fact that Weinberger is questioning the authority of the department to make the regulation that it issued with reference to attorneys. Under date of March 10, 1920, Wein-

berger addressed another communication to the Commissioner General of Immigration with reference to the Bosco case. This letter reads as follows:

In re Paul Bosco, No. 54616/242, I beg to state:

First. That I understand that Mr. Charles Recht wrote your office stating that they are no longer attorney for Paul Bosco, but that I am. I understand he is writing again to-day.

Second. I beg to inform you that I have deposited with me \$1,000 to be used as bail for Mr. Bosco, and in view of the fact of his service of time in Atlanta Penitentiary, under the espionage act, and the long period of time that he has spent in the jail at New Orleans, I think that this bail should be accepted, and hope that you will authorize it to be deposited at Ellis Island.

Third. I further beg to state that if the case is opened, I have in my possession membership card of the Socialist Party of America of Paul Bosco, and of the Socialist Party of West Virginia, and affidavit of the Secretary to the same effect, and I will submit all this, with additional evidence, as the fact that he belongs to a union and has his first naturalization papers. I think that when the evidence is completed that your department will order him released and not deported, and hope therefore that you will order at once that bail be fixed at \$1,000, and that I be given an opportunity to submit the evidence in the case.

Fourth. If your records show that you have received authorization of the withdrawal of Mr. Recht and my substitution, that you send me copy of the record so that I may see what is necessary for this man's defense.

In the meanwhile, I hope you will deem it advisable to order Mr. Bosco's release on \$1,000 bail, and send me wire if that bail will be accepted. I will try to get in touch with Mr. Recht's office to-night to write or wire you that he has withdrawn as attorney for Mr. Bosco, and I am now his attorney, though as a matter of fact you don't as yet point to any rule which shows that a man can not have more than one attorney, and you have not supplied the record, I believe, to Mr. Recht.

Under date of March 12, 1920, Charles Recht addressed another communication to the Commissioner General of Immigration concerning this case and Weinberger's appearance therein as counsel. This letter reads as follows:

Recently I wrote you with regard to the case of Paul Bosco, and stated that I was quite willing to withdraw from the case in favor of Mr. Harry Weinberger, an attorney of this city. Mr. Weinberger tells me that such communication hasn't reached you, and I therefore take this occasion of repeating that statement to you.

Under date of March 19, Weinberger telegraphs the Commissioner General of Immigration as follows:

Will you fix bail one thousand Paul Bosco? Wire, collect.

Under date of March 16, 1920, Weinberger addressed another letter to the Commissioner General of Immigration complaining bitterly as to the bureau's action in this case. His letter follows:

In re Paul Bosco, No. 54616/242, I wonder why the machinery in this case moves so slowly?

Can not I have the records so that I might put in a defense for this man, and can not you come to an immediate decision and advise me that I can deposit \$1,000 in bail, which I have in my possession now for this man? Surely two years in jail, and more than six months down in New Orleans, ought to be enough of an appeal to give a quick decision to accept the bail.

Wire me if you will accept the bail. Advise me by mail when I may expect the record, so that I may put in a defense for this man.

Under date of March 19, 1920, Weinberger addresses another letter to the Commissioner General of Immigration complaining because no answers to these letters and telegram had been received. His letter follows:

I sent you to-day the following telegram:

"Will you fix bail \$1,000 Paul Bosco? Wire, collect."

I have \$1,000 in my possession deposited by relatives for bail of Mr. Bosco. I think, under all of the circumstances, bail should be fixed at \$1,000, and Ellis Island authorized to accept the same, and the case reopened. This man has been a long time in jail, and the facts call for immediate decision.

Under date of March 22, Weinberger addresses another letter to the Commissioner General of Immigration again complaining because his communications have gone unanswered. His letter follows:

I sent you the following telegram:

"Will you accept bail \$1,000 Paul Bosco. Wire."

I have \$1,000 bail ready for this man. Will you admit him to bail and order Ellis Island to accept same, and order the hearing continued in Ellis Island in reference to him?

This man has never had a proper defense, nor has his case been properly presented to your department. I am merely requesting simple justice on his behalf, and I am sure your department desires to do nothing but that. I feel that immediate action is desirable.

Under date of March 23, 1920, Weinberger addresses another telegram to the Commissioner General of Immigration, which reads as follows:

Will you accept bail \$1,000 for Paul Bosco? Wire.

Under date of March 26, 1920, Weinberger addresses another letter to the Commissioner General of Immigration renewing his demands in the Bosco case. His letter follows:

Can your department give any decision in the Paul Bosco case, now detained at New Orleans?

Apparently your department does not realize what it is to be in jail. I have made a simple request that his case be reopened, and that bail be fixed at \$1,000, so that this man can have a proper day in court.

Kindly give this your immediate attention. Delay in a decision sometimes is worse than injustice. It is almost a crime.

Under date of March 25, 1920, a letter was dictated and prepared for the signature of the Assistant Secretary. This letter was addressed to Weinberger, at New York, was submitted to the Assistant Secretary for his signature, was returned by the Assistant Secretary without signature to the Bureau of Immigration with the following notation in ink:

Application of alien's attorney in letter of March 2, 1920, for reopening, transfer of hearing to Ellis Island, and release on \$1,000 bail is granted.

(Signed)

LOUIS F. POST,

Assistant Secretary.

Another notation in ink in a different handwriting appears on this letter which was prepared and never sent, reading as follows:

Law Division, following instructions of Assistant Secretary, comply therewith. March 27, 1920.

C.

The letter addressed to Weinberger, but which was never sent, reads as follows:

In answer to your letters of March 16, 19, and 22, 1920, concerning the release of Paul Bosco, now detained at New Orleans awaiting deportation, you are advised that the department, after a careful review of the facts in his case, is unable to grant your request for his release under bond in the sum of \$1,000. In view of the activities of Bosco, leading up to his conviction and prison sentence of two years ago, and his general dangerous character, the department can not consider his release under bond in a sum of less than \$5,000.

A new letter was prepared for and signed by the Assistant Secretary under date of March 29, 1920. This letter which was sent to Weinberger reads as follows:

Referring further to the case of Paul Bosco, now detained at New Orleans, La., awaiting deportation, you are advised that your demand contained in letter of March 2, 1920, that this alien be released upon bond in the sum of \$1,000, is hereby granted. You are also advised that in compliance with your other demands, alien is to be transferred from New Orleans to New York at an early date, and that upon arrival at the latter city, the case will be reopened, and you will have an opportunity to fully represent your client.

Special attention is called to the fact that Weinberger's "demands" which have hereinbefore been referred to, are granted in each instance. In this connection it is deemed proper to call attention to the fact that the alien was ordered removed from New Orleans to New York at Government expense, there to be released on bond. The customary and proper procedure in a case of this kind, if they were granting the demands to fix bond in the sum mentioned, would have been to have the bond go to the commissioner of immigration at New York City and upon his report that said bond was satisfactory to have wired the commissioner of immigration at New Orleans that a satisfactory bond had been given and instructing him to release the alien from custody, in which case any new hearing in another proceeding arising from the reopening of the case would have then been held in New Orleans, the district in which the case originated; or in the event the alien or his counsel desired the hearing in some other district, the alien would have been obliged, therefore, to go to that district at his own expense and not at the expense of the Government.

The procedure in this case, however, was to grant all the "demands" of Weinberger and deliver the alien to whatever point was most convenient for Weinberger, as is shown by the letters that followed, viz: the letter to the commissioner of immigration at New Orleans, dated March 29, 1920, which reads as follows:

Referring to the case of Paul Bosco, your file No. 22050-15, you are directed to convey this alien to Ellis Island, New York Harbor, in connection with a deportation party which will probably leave Chicago, Ill., within a week or 10 days. You will be notified as to the exact date later.

Also a letter from the Commissioner General to the commissioner at Ellis Island, N. Y., under same date, which reads as follows:

In connection with the case of Paul Bosco, now detained at New Orleans, La., awaiting deportation, you are advised that this alien will be conveyed to Ellis Island shortly with a deportation party. Upon his arrival he is to be released on a bond of \$1,000 and his case reopened. Mr. Harry Weinberger will be the attorney in the case.

Weinberger, however, apparently was becoming uneasy that his demands were not acted on as speedily as he might desire, and under date of March 31 sent the following telegram to Louis F. Post, Assistant Secretary of Labor, Washington, D. C.:

Kindly wire New Orleans authority convey Paul Bosco to New York.

(Signed) HARRY WEINBERGER.

He followed this telegram up on the same date with a letter to Assistant Secretary Post reading as follows:

I sent you to-day the following telegram:

"Kindly wire New Orleans authority convey Paul Bosco to New York."

Will you kindly see that they get immediate authorization so that Mr. Bosco may be brought to New York as soon as possible and we can give bail here for him?

On the same date, March 31, 1919, he addressed another letter to Assistant Secretary Post, which reads as follows:

Thank you very much for your decision in the Paul Bosco case to allow him out on bail, and arrangement re reopening of case so that Mr. Bosco may have full opportunity to put in his defense.

Under date of April 1, 1920, Mr. Post addressed a letter to Weinberger again advising him in substance that all his demands had been granted. This letter reads as follows:

Replying to your telegram and letter of the 31st, I quote for your information my original decision upon the case, as follows:

"Application of alien's attorney in letter of March 2, 1920, for reopening, transfer of hearing to Ellis Island and release on \$1,000 bail is granted.

"I believe this covers the point raised in your telegram, as I understand it."

In order that Weinberger might not be disappointed, a telegram under date of April 6, 1920, was addressed to New Orleans, instructing that alien Paul Bosco be joined to the Russell party (a deportation party) leaving Chicago April 10, via the Nickel Plate Railway, giving the train number and hour of departure from Chicago.

Weinberger has appeared in numerous cases for I. W. W.'s, anarchists, Communists, and other brands of radicals, commonly calling themselves "Class War Prisoners," which means a radical arrested and charged with, or who has been convicted of the crimes of treason, syndicalism, sedition, etc. Some aliens have been turned over to him in his custody as their attorney by the Department of Labor. At least one of these he has been unable to produce when called upon to do so.

CASE OF ENRIQUE FLORES MAGON.

The Assistant Secretary has stated in his decisions on several occasions that the "task" of interpreting the law did not rest on his shoulders, but more often he has undertaken that same "task," and usually in favor of the alien and not in favor of the Government.

In the case of Enrique Flores Magon, bureau file 54861/116, he has gone further than to interpret the law. He has interpreted the alien's mind. He has interpreted, from what the alien said, what he should have said. He has interpreted from what the alien said he meant, what he should have meant. He has interpreted what "anarchy" is and what it is not. In doing so he has shown that fine understanding of the subject seldom found outside of a few of the better posted believers in the doctrine of anarchy. And the ideas advanced by him are the ideas and arguments invariably advanced by the better posted of the believers of the doctrine of anarchy, when they are placed on the defensive.

Magon is a Mexican. He was involved in revolutions in Mexico and fled to the United States to avoid punishment for his acts. With his activities in Mexico we are in no wise concerned and they should have no material bearing on the consideration of his case, although in passing on said case the Assistant Secretary lays great stress on same. His acts in the United States are more than enough on which to judge him.

After entering the United States the alien and his brother affiliated themselves with well-known and acknowledged anarchists. Eventu-

ally they located in California, where they published an anarchist paper in which many attacks on the Government of the United States were made. They were finally arrested by agents of the Department of Justice and convicted of violation of the postal regulations in connection with sending their paper through the mails. They were sentenced and sent to the Federal prison at McNeil Island, Wash. About the same time one of their most intimate associates, also a well-known anarchist, was sent to the same prison to serve a sentence. This man called himself Gen. Alexander Zen Zogg. The files of the Department of Justice will bear out the assertion that all three of these men, together with a number of other followers of the anarchist doctrine, had conspired to assist and encourage young men to evade the selective service act; also that they had been spreading the anarchist doctrine to the best of their ability. After the arrival of these three men at the McNeil Island prison they had on every visiting day numerous visitors from an anarchist colony situated near by, on what is called Lake Bay. This colony is commonly called "Home Colony" and is incorporated under the laws of the State of Washington under the name of "Mutual Home Association." It has long been an eyesore to the decent people in that section of the country, and many an effort has been made to get rid of it, but so far without success. A report concerning this colony of anarchists, the most of whom are aliens, was made in August, 1918. A copy of said report is on file in the Bureau of Immigration. The report reads as follows:

HOME COLONY.

In compliance with your verbal instructions, I submit herewith detailed report concerning anarchists living in and frequenting what is commonly known as "Home Colony." Home Colony is located on what is known as Lake Bay, situated on the west shore of Puget Sound, about 40 miles from Seattle. This colony was founded by some radicals over 20 years ago, and was styled "Mutual Home Association." Colonists have prospered very well as colonists go who start on nothing. But they have held persistent attitude of hostility toward laws, the United States Government, and morality. Typical, radical obsessions prevail throughout the colony. They have done much hard work, and the properties in their immediate township are pretty well cleared, housed, etc. The Mutual Home Association affairs now are in very doubtful financial condition before the State supreme court. Few of the characters residing there are openly active against the Government or war. But the colony forms a background for radicals of every breed. A rendezvous and general "get-away" for people of that type. There should be every reason to expect good citizenship and loyalty from the colony, considering their prosperity, the State and county expenditures on public roads, public schools, wharfage, breakwaters, etc., but, notwithstanding that, only one volunteer soldier from that colony so far. Their public school is used for every brand of radical propaganda, including a celebration which they held at the time President McKinley was assassinated. They are a quarrelsome people, always taking each other into court, and at the same time opposing the law. They will lie, cheat, steal, practice sabotage, and promote disloyalty if the opportunity presents. They were instrumental in hiding away the men later convicted of dynamiting the Los Angeles Times building, in Los Angeles. Up to a short time ago the colony consisted of approximately 500 persons. Lately a number have scattered, and some are working in the shipyards and at various places around this section of the country. At present the colony probably consists of approximately 250 to 300 inhabitants, the majority of whom are foreign born, and very few of whom have obtained final citizenship in the United States.

I am giving you the names of a number of the colonists and specific data regarding each one. This has been collected from time to time and for a period extending over a number of years, and every effort has been made to state facts only, and such conclusions and deductions as obviously followed.

Here followed a long list of names and history of each, which it is thought best not to quote as there is still some hope that eventually some action may be obtained in their cases.

It was from this colony that the visitors to the Magon brothers, Zen Zogg, and other anarchists confined in the prison at McNeil Island came, and these visitors kept the anarchists inside in touch with the outside world and their "comrades."

Enrique Flores Magon was eventually transferred from McNeil Island to the Federal prison at Leavenworth, and there a hearing on a deportation proceeding was accorded him, with a view to his deportation from the United States upon the expiration of his sentence. The record of that hearing speaks for itself, as do the summary and recommendation; likewise the decision of the Assistant Secretary of Labor and his interpretation of the word "anarchy" and the anarchist doctrine.

They read as follows:

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
401-402 SCARRITT ARCADE BUILDING,
OFFICE OF IMMIGRANT INSPECTOR,
Kansas City, Mo.

In re: Enrique Magon,
7671.

File No. 100/1259
54861/116

Record of hearing of Enrique Flores Magon, conducted by Warren E. Long, immigrant inspector, on March 18, 1920, at the Federal penitentiary, Leavenworth, Kans., pursuant to Dw 54861/116, dated February 7, 1920, signed by John W. Abercrombie, Acting Secretary of Labor. Recorded and transcribed by Elizabeth Cherry, clerk.

Present: Warren E. Long, immigrant inspector; Enrique Flores Magon, alien.

Alien sworn. Warrant read and each and every allegation therein contained carefully explained to alien, as well as the purpose of this hearing. There were now introduced in evidence at this hearing for the inspection of the accused alien and for proper consideration at this hearing office copies of the application for the warrant of arrest and documentary evidence upon which application for warrant was based, as follows:

1. Statement of alien made before Inspector Long on December 4, 1919. Alien then testified as follows (alien speaks English):

Q. You understand that you are under arrest by the United States Immigration Service?—A. Yes.

Q. Do you understand this warrant?—A. Yes; I understand everything.

Q. You are advised that you have the right to be represented by an attorney or counsel at this hearing under this warrant. Do you wish to be represented by counsel?—A. Yes. I would be glad to be represented by counsel.

Q. Who is your counsel?—A. I do not know, but I will have to select them; one of them will be Mr. Clarence Darrow, of Chicago.

Q. Can you arrange for him to be here?—A. I do not think that he can come here, as he is a very busy man.

Q. Are you now willing to proceed with your hearing under this warrant without being represented by counsel at this time?—A. Yes; with the understanding that I be allowed to reopen the case before the immigration officers.

Q. What do you mean by reopening the case?—A. I mean to go through my representatives and see if it is possible to avoid that I be deported into Mexico. I am not going to fight the case to remain in this country. If they do not want me, I do not want to stay. I do not want to be deported to Mexico.

Q. By "reopening the case" you do not mean that you shall have another hearing on the charges of the warrant?—A. All I want is just to avoid being deported to Mexico.

Q. What is your full name?—A. Enrique Flores Magon.

Q. Have you ever used any other name, pen names, or other names?—A. I have used pen names for my articles.

Q. How old are you?—A. Forty-three years old.

Q. Are you married?—A. Yes.

Q. What is your wife's name?—A. Mrs. Teresa V. Magon.

Q. Where does she live?—A. At No. 1120 East Twenty-eighth Street, Los Angeles, Calif.

Q. Have you any children?—A. Six children.

Q. Are they living with your wife?—A. Yes.

Q. What are their names and ages?—A. Esperanya, a girl of 15; Santiago, a boy of 13; Estella, a girl of 11; Pedro, a boy of 9; Jose, a boy of 7; and Enrique, jr., who is 3 years old.

Q. Where were these children born?—A. The first one in El Paso, Tex., and the rest in Los Angeles.

Q. What is your occupation?—A. By profession I am a writer and speaker, and by trade a millworker and whatever may come in the way; even a plain laborer when it is needed.

Q. You read and write English?—A. Yes.

Q. Where were you born?—A. In Mexico City, Mexico.

Q. Have you any relatives in Mexico at the present time?—A. God knows. When the revolution came—I do not know.

Q. When and where did you last enter the United States?—A. I entered the United States at the end of 1903 or beginning of 1904, but no later than January of 1904, through Laredo, Tex., and there is where I was inspected by the immigration officers.

Q. How did you enter?—A. On the train of the Mexican National Railroad.

Q. Were you examined and admitted by the immigration officials at that time?—A. They came to the train and examined us.

Q. You were examined by those officials?—A. They asked us questions and asked us if we had money.

Q. Were you individually asked?—A. Every one of us were asked.

Q. And you were admitted by the immigrant officer?—A. He said, "All right, boys, pass on," so I think that means admission.

Q. Who accompanied you?—A. My brother and two other men.

Q. What is your brother's given name?—A. Ricardo.

Q. Where is Ricardo Magon?—A. Here in this institution.

Q. Where did you go after you entered at Laredo?—A. I lived in Laredo for a time. Afterwards I was forced to go to San Antonio, Tex.

Q. Who forced you to go to San Antonio?—A. The hired assassins of Porfirio Diaz came after me to Laredo.

Q. How long did you stay in San Antonio, Tex.?—A. About 10 months.

Q. What did you do in San Antonio?—A. Published my paper, The Regeneration.

Q. Where did you go from San Antonio?—A. Once more we were forced to move, over to St. Louis, Mo.

Q. About what time did you reach St. Louis?—A. In about April of 1905.

Q. How long did you stay in St. Louis?—A. Until 1906, in the beginning of the year.

Q. What were you doing in St. Louis?—A. Still publishing the paper, until it was suppressed.

Q. When you were in St. Louis were you not arrested by the immigrant officers?—A. Not by the immigrant officers. They tried to molest, not me, but my brother, in 1907, in Los Angeles, but they found no grounds to go after him.

Q. You were not arrested by the immigrant officers in St. Louis?—A. I was arrested by the court in St. Louis, on account of libel.

Q. On what charge?—A. On account of a Mexican official from the State of Oaxaca.

Q. Did he come to St. Louis?—A. He came away over to St. Louis, Mo., because he was spying on me. He was from Porfirio Diaz.

Q. Were you arrested?—A. Yes, I was arrested.

Q. On what charge?—A. On the charge of libel.

Q. They do not arrest for libel; they sue for libel?—A. He had me arrested and when he found he could do nothing, they turned me loose. Then they had a civil State court, and they took all our belongings.

Q. He won his case?—A. No. We proved that he was crooked.

Q. What was the name of the paper in St. Louis?—A. The Regeneration.

Q. Where did you go from St. Louis?—A. I had to travel up and down, because Porfirio Diaz, in order to get us, offered \$20,000 in order to get me across the line, and when I found that out the detectives were very hard on my trail and I had to run up and down, and I do not remember where I went. I went to many cities, to Detroit, back to Chicago, and many places; because they were not long in this country, and I was sure any trumped-up charge would let them take me into Mexico.

Q. Where did you finally locate permanently?—A. I located, for about eight months, in Los Angeles, Calif.

Q. In what year was that?—A. In 1907, until the middle of 1908; then I moved to San Francisco until September of 1910, when I came back to Los Angeles to get together with my brother and others who were released from Florence, Ariz. They were caught but I was not caught, and then Diaz tried to have them returned to Mexico.

Q. How long were they in the penitentiary in Arizona?—A. For one year and six months for violation of the neutrality law.

Q. Was such a warrant issued for you at the same time?—A. No; it was issued to them after many errors. The funny thing was they were caught without any warrant. The two detectives from Los Angeles were bribed by the Mexican Government because they discovered the hiding place of my brother and three other fellows and then the Government bribed these two officials in order to take into custody my brother and the other fellows and then to send them into Mexico as they had been doing before with many other people, by the hundreds; they have brought them into Mexico in that way. And then my brother and the other fellows, in order to save themselves, resisted the arrest and raised a noise; they started to shout robbers, murder, assassins, police, and make all the noise they could in order to call the attention of the neighborhood until they succeeded in getting a great crowd of people, and then they went to jail, in that way getting recognition of the populace; and they were taken to the city jail without charge at all until the next day for vagrancy; and later of resisting an officer; and later the charge of passing to this country and breaking immigration laws. They could not sustain that, and then they put up the charge of "violation of the neutrality laws."

Q. In 1910 you returned to Laredo?—A. I rejoined my brother at Los Angeles after they had finished their sentences.

Q. Then you resumed the publication of the Regeneration?—A. We resumed publication in September, 1910, and have been there engaged in publishing this newspaper until I came here.

Q. You have written articles for other papers?—A. I have written articles for other papers all over the world, not only in Mexico, but any place in the world.

Q. Who is the publisher of the Regeneration?—A. I was the editor and publisher.

Q. And such of the articles that appeared in this paper were written by you?—A. By me and my brother Ricardo.

Q. What are the aims and purposes of this paper, the Regeneration?—A. The aims and purposes of this paper are the overthrow of the Government of Mexico and in doing justice to the Mexican people.

Q. How is this overthrow to be effected?—A. In Mexico it is impossible to come to the polls, for all officialdom is corrupt; therefore, as there is no freedom at all, we had to resort to revolutionary means by armed force. Now, once a revolution is afloat, we have been teaching to the Mexican people not to lay down the arms until everything that has been taken away from them should fall back into their hands.

Q. This revolution you speak of is to be a forcible one, is it not?—A. It was to get Madero. Madero and myself came together and used our force for the overthrow of Porfirio Diaz.

Q. Your paper, the Regeneration, carried articles along political lines?—A. Along political, economical, and social lines.

Q. In this paper and in other literature that is published by you, or over your signature, you have advocated anarchy?—A. I do.

Q. Do you believe in anarchy?—A. I do.

Q. You are an anarchist?—A. I am a communist anarchist.

Q. Give a concise meaning of your word "anarchist"?—A. By communist anarchism I believe the theory of having all the natural and social wealth as the property of all. That all may have absolute freedom from the political, social, and economic point of view; so that everybody would be free, equal, and brothers, regardless of sex, race, or color. Therefore, my creed is that of assuring to everybody the right of working and enjoying to the full profit of that labor, and so to insure for everybody the right of living and enjoying life.

Q. Your conception of government is then without any political form?—A. It has political form. From the moment you vote it has political existence. If you want I will describe my form of government so there will be no mistake. My form of government would be in general lines as follows: Organization of the individuals in their several works. From there in every town; from every town to every region; and from every region to what we call now national organization to form a kind of republic. When other countries follow suit, then it will be an international.

Q. This organization along the lines of work means industrial democracy?—A. It is not absolutely that, because we could not call an industry as agriculture work.

Q. You would not call agriculture an industry?—A. No; it is simply a course both of them have to go through. Therefore I say I do not specify industry; just work, any kind of work it may be.

Q. The government would be organized along the different lines of industry?—A. Every center of human activity will have its own representatives who will form a kind of congress. You may call it "soviet" or "municipality," as in Mexico. It is very much like the soviet form of government, though not exactly.

Q. Are you familiar with the manifesto of the third international?—A. To a certain extent. I have not read all of it, only excerpts of it.

Q. Are you in favor of the principles as laid down by this manifesto as far as you have examined it?—A. I am in favor of having such country to follow the sentiments of the majority of its inhabitants; for instance, I am perfectly sure that among the Mexican people whose traditions, etc., are much similar to the Russian traditions and customs, I am sure that that in Mexico would be accepted or asked for or advocated by the large majority in a form of government much along the lines of the soviet form of government. Now, in other countries this form of government could be either accepted or not accepted; therefore I believe that every country should go according to their own temperament and characterization, etc. It is impossible to give everybody the same brand.

Q. How many subscribers had you for "The Regeneration" paper?—A. 22,000.

Q. How many readers?—A. You may multiply them by 20's because many papers go from hand to hand and are read in groups.

Q. How did you maintain funds?—A. The same readers of the paper helped me to distribute those papers.

Q. This paper was only maintained on a business basis?—A. Yes. It had a set price for those who would pay the subscription, and in the beginning it was that way; and later on as many friends insisted on sending in more and others would like the paper, so we changed and took anything they would send.

Q. Your brother was associated with you in the publishing of this paper?—A. Yes.

Q. Your wife also assisted you?—A. My wife also assisted me.

Q. Their views are with you?—A. Identical to mine, all of them.

Q. Were you not also connected with some organization that had groups in Western States, California, Arizona, or New Mexico, called the Mexican Liberal Party?—A. I was the treasurer of the organizing board or punta of the Mexican Liberal Party.

Q. Who were the other officers of this organization?—A. My brother and several others.

Q. Where were the headquarters?—A. Los Angeles. The headquarters in fact were the offices of this newspaper.

Q. Do you know how many local groups were formed belonging to this organization?—A. Very many.

Q. What territory did they cover?—A. All parts. Any place. Any sympathizer of the Mexican revolution could form a group.

Q. What was the purpose of this organization?—A. To educate the people in the aims of the Mexican Liberal Party.

Q. Were you not one of the founders of this party?—A. Yes. One of the founders from Mexico City from many years ago. It was formed several times.

Q. Now, you in your capacity as an organizer addressed different groups, expressing your views to the members of these groups?—A. Yes; because it was a vital question for the Mexican people. It is a question of life and death for the Mexican people. So I was not going to keep my mouth shut when they are interested in this question.

Q. Do you know of the existence of a group in Morenci, Ariz.?—A. I know of a group, but this group, as far as I understand, did not belong to my special organization. It was not a group of the Mexican Liberal Party. All of the groups of the Mexican Liberal Party has the general title of Grupo Regeneration. They may have put another name to distinguish one from another of those groups at Morenci.

Q. Did you know one Juan Villanueva?—A. I know of a man by the name of Jose or Angel Villanueva.

Q. Do you know of a member of the Morenci group named Juan Villanueva?—A. No.

Q. Did you know Crecensio Lopez Aguilera?—A. No.

Q. Do you know Camillo Munoz?—A. I have not yet to know him.

Q. Do you know Jesus P. Barragan?—A. I have the idea but I could not say that I know him.

Q. Can you recollect having any correspondence with any of these people whose names I have mentioned?—A. I may have, but I do not remember. It is very hard to remember any correspondence. From correspondence with thousands of people I could not remember many. Only those who wrote many times. For instance, subscriptions for the paper I could not remember.

Q. Did you as publisher of the Regeneration issue hand bills headed "Organizing Body of the Mexican Liberal Party," a copy of which, the translation of same, I now hand to you?—A. Yes, this is issued by me. Yes, it is mine.

Q. I will also introduce the record of the hearing accorded Juan Villanueva, and you can examine this entire record, but your attention is particularly called to the testimony on page 3, beginning on page 2, and on page 3, in which Villanueva is asked, "You know, do you not, that Ricardo Flores Magon, who is now in the Federal prison at McNeill's Island, Seattle, Wash.; and his wife, Maria B. Magon; his brother, Enrique Flores Magon; and Tomas Martinez, are all anarchists?"—A. The whole world knows that they are anarchists."

Also, I introduce the statement of Cresencio Lopez Aguilera of September 14, 1919. Q. Did you or your brother issue a pamphlet called "Carranza se Despoza de la Piel de Oveja" (Carranza throws off the sheep's skin).—A. Yes.

Q. Was this pamphlet issued from the Regeneration office?—A. It was issued from there.

Q. You indorse it?—A. I indorse everything said there.

Q. Your attention is directed to one paragraph of this, as follows: "Choose, brothers, government or anarchy. If you are for anarchy, adopt the principles announced in manifest of September 23, 1911, by the organizing body of the Liberal Party of Mexico?"—A. Yes; I recognize that.

Q. The record of hearing of Jesus Jose Barragan is also to be considered.—A. They say the same thing I do.

Q. This group was undoubtedly connected with the same group with which you were?—A. Perhaps it was connected with the same, because I think there are many groups all over this country. Groups of people who have the same ideas come together. Many of our people at the same time belong to the Mexican Liberal Party, and they belong to some other organizations.

Q. Have you examined the record of the statements and hearings I have just recently referred to?—A. Yes, sir; I have.

Q. Have you any statement to make as to that part of these records in which mention is made of your connection with the anarchistic groups?—A. I have nothing to say. I have a perfect right to think as I want, as long as I do not commit a crime. An idea is not a crime.

Q. You are informed that an additional charge other than that contained in the warrant will be considered in view of the evidence given by yourself and in these records recently referred to, this being that you are an alien anarchist, and this hearing will also be on such a charge, as well as on those mentioned in the warrant. Are you a member of any organization outside of this Mexican Liberal Party?—A. No. Nor affiliated with any. This organization has groups of its own, but is not affiliated with other groups or societies. No. Just on the Mexican question. This organization to which I belong, the Mexican Liberal Party, is just for the Mexican Liberal Party, and I do not belong to any other organization.

Q. Your views on anarchy have been set forth in your paper and in your pamphlets and such have been issued in this country?—A. Yes.

Q. And this organization, the Mexican Liberal Party, holds and advocates the same views you hold personally?—A. Yes.

Q. In fact, you are largely responsible for such ideas as are being scattered, or the policy of this organization?—A. I take the whole responsibility of it.

Q. Do you know whether your brother has been served with a warrant under deportation proceedings?—A. I do not know. I have very poor means of communication with him, because he is in another cell house and it is very seldom we meet. It is very difficult here to come together.

Q. Can you give me the names of some of these pamphlets that have been published other than your brother's pamphlet, "Carranza Throws off the Sheep's Hide"?—A. There has been the manifesto of the Mexican Liberal Party.

Q. Is this manifesto quoted in this?—A. It is not quoted. That is just the gist of it all. The manifesto is addressed to the Mexican people.

Q. When were you arrested and sentenced to this penitentiary?—A. I was arrested on February 18, 1916, in Los Angeles, and then I was sent to jail and sentenced on June 22, 1916. I appealed the case to the appellate court in San Francisco, and later on I appealed the case to the supreme court. I stayed on bond two years, until the 16th of May, 1918, when I was notified by my lawyer that the supreme court did not want to consider my case, and hence I had to come to prison. Then, on the following day, May 17, 1918, I walked to the marshal's office and told them what I knew by my lawyer and gave myself arrested, to be taken to this penitentiary.

Q. What was the formal charge against you for which you were sentenced here?—A. The technical charge of it was, "Mailing unmailable matter."

Q. What particular matter was referred to in this charge?—A. To all my writings, and in particular picking out three articles from them. Three articles in my paper in which we urge the Mexican people not to lay down the arms, but continuing fighting against Carranza until everything that had been taken away from them should fall back into their hands. These writings were construed by the court thus: From the moment that the writings of these men (my brother and myself) preaching revolution; these writings may bring into the minds of the readers ideas of murder, arson, and assassination. Therefore, writings of these men as "obscene." That is the wrong word. That is why I appealed the case. It is wrong to call it obscene when it is revolutionary. If that was the charge, using the mails to mail obscene matter, that is what is the matter. My brother got very angry and took it at his own expense to the supreme court, and the supreme court did not want to hear the case and sent it to the appellate court, and they decided it was "obscene."

Q. This matter that was presented to the court when you were arrested was articles that you had sent through the mails, published by this organization of which you were one of the leaders, and this literature expounded your views upon government?—A. Yes, sir; it did.

Q. How long have you been identified with the Mexican Liberal Party?—A. Almost 25 years. I was first connected with it in Mexico City, in Mexico.

Q. Were you ever arrested in Mexico?—A. Once and again, but never convicted.

Q. On what charge were you arrested?—A. Always political charges, as against Porfirio Diaz.

Q. You spoke previously of a reward being offered for you by Porfirio Diaz?—A. Yes.

Q. What would be the attitude of the present Government in Mexico if you were deported?—A. The attitude of the present Government in Mexico if I were deported would be that I would be shot down.

Q. You feel certain that if you were deported that you would be arrested?—A. I feel certain of the fact. Many men belonging to my organization in Mexico have been shot just for that; and besides many people who have been found with this paper in his pocket have been shot only for that reason alone. They have been branded as "Magonistas," and for being "Magonistas" they have been shot.

Q. Is there any particular portion of Mexico where you feel sure that your life would be safe to-day?—A. Right now I do not find any place at all, for the reason that all the ports of entry are in the hands of Carranza. The only place I would be safe would be in the interior, perhaps; in the State of Puebla. It is in the hands of one of the Regulars that I know is against Carranza.

Q. Are any of the leaders in Mexico in sympathy with your organization?—A. Some of them are in the organization, but at present since I have been here things have changed, and many of my fellow workers are in the grasp of the revolution, and right now I do not know who I may believe and who I may not. I have missed out for two years. Now, in any other country, I feel sure that I would not be arrested; first, because of my beliefs; and second, because I have attacked many of the administrations of the Latin Republics; for instance, the administration in Cuba, San Salvador, Peru, Guatamala, and all of those little Republics, and large ones, too, who have a Porfirio Diaz of their own, and so I have gone after them.

Q. Have you attacked the Government of the United States also?—A. In some respects I have. I have criticized the Government of this country, mainly in their support of the Mexican revolutionary leaders, who do not represent the people of Mexico; for instance, they supported Villa, and they now support Carranza; and that is why I am here on the "funny" charge, as it is if was obscene literature. On that account I have criticized your Government, as I think I have a perfect right to do it.

Q. Have you ever applied for citizenship papers in this country?—A. No, sir.

Q. You are a citizen of Mexico?—A. Neither. I am not a Mexican citizen.

Q. What is your country?—A. I have none.

Q. While here you have lost your Mexican citizenship?—A. There is a law in Mexico by which any native or citizen, going to a foreign country, should reaffirm his citizenship within the 10 years of absence. I have failed to do so, and hence have lost my citizenship in Mexico. The only place where I could go is Russia, for in that country, as far as I am informed, no man is persecuted on account of his ideas.

Q. Have you any further statement to make to show cause why you should not be deported?—A. If I am not allowed to remain in this country I should like to be sent to Russia, together with my whole family.

Q. In the event you are ordered deported, you feel that it would be the wish of your wife and family to accompany you?—A. They would wish to go with me.

(The statement of the alien made on December 4, 1919, before Inspector Long was presented to the alien.)

Q. Is there anything materially wrong with this statement?—A. No; nothing materially. It is practically a correct statement I made on that date and I have affirmed it in this statement.

At the expiration of your sentence here you have the privilege of securing release from custody on furnishing satisfactory bond in the sum of \$1,000.

Q. When does your sentence here expire? Minimum term?—A. September 10, 1920.

FINDINGS AND RECOMMENDATIONS.

From the evidence of record in this case I find that Enrique Flores Magon is an alien, namely, a citizen of Mexico.

That he has been found in the United States in violation of the immigration act of October 16, 1918, in that he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocated the overthrow by force or violence of all forms of law; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches opposition to all organized government; and that he is a member of or affiliated with an organization that entertains opposition to all organized government, and that he is an alien anarchist.

I therefore recommend that he be deported.

WARREN E. LONG,
Immigrant Inspector.

EXHIBIT 1.

ORGANIZING BODY OF THE MEXICAN LIBERAL PARTY.

The principles of the Mexican Labor Party are condensed in a declaration issued by this body under date of September 23, 1911:

The liberals know that all are human, from the sole fact that they exist, they have a right to eat, to live, to have a house, and to enjoy for himself and his, the earth, the waters, the forests, the mines, the factories, the shops, the railroads, and all other means of transportation, with one single condition: that of performing some useful work.

The liberals believe that the aged, the sick, and crippled, and the children, although they produce nothing, have an equal right to enjoy all the advantages offered by civilization in the same manner as the workers, both men and women.

The liberals wish all to share equally, and that each producer consume, not according to his ability, but according to his needs.

In order to get these good conditions the liberals struggle to wrest from the hands of the rich the land, the water, the forests, the mines, the factories, the shops, the railroads, and all other means of transportation, through force of arms, throwing everything into the hands of the poor that they may come to an understanding, and organize the free production and act as overseers for all classes.

The men and women who wish to see the Mexican Liberal Party triumph and who wish to become members can sign the coupon below and give help when they can, and when able to do so, for the expense of the party.

All men and women are equally invited to organize in their respective localities. Regeneration groups, that their members may study the problems that they have to solve as to the poor, and to collect funds amongst the members and sympathizers in general for the expenses of the party; when deemed advisable by the members these groups may be kept secret.

Any person may contribute his or her mite at pleasure regardless of whether or not they belong to the party, and members, as well as others, will notify us whether or not they wish their name published in the paper Regeneration, because there are persons that for some reason do not wish it to be known that they are helping the cause of land and liberty.

In order to organize groups formalities are unnecessary. It is sufficient that the men and women get together and work for the Mexican Liberal Party, in order that they may be installed as a group, naming a secretary to attend to the correspondence and the sending of money to the union at the following address: Enrique Flores Magon, P. O. Box 1236, Los Angeles, Calif.

The union hopes that every man and every woman belonging to the working class will adhere to the Mexican Liberal Party, which is the only one on earth that with ideas and action is working for the emancipation of the poor.

COUPON.

To the organizing body of the Mexican Liberal Party, post-office box 1236, Los Angeles, Calif.

If I am admitted to the Mexican Liberal Party, as a true member, I promise to be faithful to the interests of the working classes and taking unto myself the principles of equality for which we are fighting against the Government, capital, and the clergy.

Signature.....

Full name.....

Occupation.....

Resident of.....

Civil status.....

Street..... Number.....

I certify that the above is a correct translation from Spanish into English of a printed handbill, original copy of which is attached hereto.

SAMUEL T. WRIGHT, *Watchman.*

I hereby certify that the foregoing is a true and correct copy of translation of the printed handbill referred to above.

R. A. SCOTT,
Inspector in Charge.

EXHIBIT 2.

WARRANT HEARING.

UNITED STATES IMMIGRATION SERVICE,
MEXICAN BORDER DISTRICT,
Tucson, Ariz.

(Tucson file No. 1552/9.)

In the matter of Juan Villanueva, alias Juan Vilaneuva, arrested pursuant to departmental telegraphic warrant of arrest dated September 16, 1919.

Hearing held in the office of the inspector in charge, Tucson, Ariz., this 19th day of September, 1919.

Present: R. A. Scott, examining inspector; Samuel T. Wright, acting interpreter; William Feringer, stenographer. (Examination in Spanish.)

EXAMINING OFFICER to alien:

Q. There is now presented to you, Juan Villanueva, the warrant of arrest in your case, charging that you disbelieve in all organized government, and that you are an anarchist; also, the evidence upon which the warrant was issued, consisting of your statements made to me at Clifton on September 13 and 15, 1919, marked "Exhibit 1"; statement made by Carmen Orozco before me at Morenci, Ariz., of September 14, 1919, marked "Exhibit 2"; also copies of letters, books, pamphlets, etc., Exhibits "a" to "k," inclusive, incorporated in "Exhibit 1," heretofore referred to. The copies of letters and statements referred to are written in the English language, and will be read and interpreted to you by the acting Spanish interpreter, if you so desire. Do you desire that they be read to you?—A. I desire only to hear read the statement of Carmen Orozco. (Statement of Carmen Orozco read and translated to the alien).

Q. You know the contents of the books and pamphlets, as they were taken from your possession?—A. Yes.

Q. You are advised that you are entitled to be represented by counsel at this hearing. Do you desire to avail yourself of this right?—A. No; I don't wish a lawyer.

Q. You waive your right to be represented by counsel at this hearing?—A. Yes.

Q. You are advised that you may be released from custody during the pendency of these proceedings upon furnishing satisfactory bond in the sum of \$1,000. Do you desire to furnish bond in the amount stated?—A. I can not give bond.

You will please be sworn.

The alien, being first duly sworn, testified as follows:

My name is Juan Villanueva; I am 30 years old; I was born in Paso de Sotos, Mexico; I am a citizen of Mexico, and of the Mexican race; I last entered the United States at the port of El Paso, Tex., on September 26, 1918, my destination at that time being Morenci, Ariz., and my occupation being brakeman on ore train. In the United States I have a brother, Aurelio Villanueva, living at Jerome, Ariz.; in Mexico, my mother, Macedonia Garcia, wife, Serapia Jiminez, and my son, Alfonso, 5 years old, all residing in Paso de Sotos, Jalisco, Mexico.

Q. Are you the same Juan Villa who made a statement before me at Clifton, Ariz., on September 13 and 15, 1919?—A. Yes.

Q. Were the statements made by you at that time true?—A. Yes.

Q. You admit that you are an anarchist, and that you disbelieve in and are opposed to all organized governments?—A. Yes.

Q. Do you advocate or believe in the overthrow by force or violence of the Government of the United States, or all forms of law?—A. No.

Q. Do you believe in or advocate the assassination of public officials, or the unlawful destruction of property?—A. No, sir.

Q. You are advised that, in addition to the charges contained in the warrant of arrest in your case, you are charged with being an opponent of all organized government. Do you desire to make any statement with respect to this additional charge?—A. No; nothing to say.

Q. You recently received, did you not, through the post office in Morenci, Ariz., a number of copies of a publication called "Libertad y Justicia," the name of the publisher or the place of publication not appearing thereon?—A. Yes.

Q. Who sent these papers to you?—A. I don't know.

Q. Where did they come from?—A. I don't know.

Q. They contain anarchistic doctrines, do they not?—A. I didn't have time to read them.

Q. The following paragraph is taken from this paper, which is published in the Spanish language: "All the great crimes called war, epidemics, prostitution, ignorance, slavery, are the fruit of governments; and the electric chair, the gallows, the guillotine, military prisons, religion, official science to sustain them." Do you not regard that paragraph as somewhat anarchistic?—A. It may be.

Q. Isn't Pedro Kropotkins, whose name appears under one of the articles on the same page in this publication, anarchistic?—A. I don't know.

Q. You are advised that a copy of this publication will be forwarded with the record in your case. Do you desire to make any statement in that connection?—A. I didn't write these articles and have nothing to say about it.

Q. A bunch of these papers were mailed to you through the mails, however, were they not?—A. Yes, sir; I received them.

Q. And you intended to distribute them among other members of the group, did you not?—A. I intended to give them to anyone that wanted to read them.

Q. You know, do you not, that Ricardo Flores Magon, who is now in the Federal prison at McNeil Island, Seattle, Wash., and his wife, Maria B. Magon, his brother, Enrique Magon, and Tomas Martinez, are all anarchists?—A. The whole world knows that they are anarchists.

Q. You have recently written letters to, and received letters from, the three last-named persons, some of which letters received were read at the meetings of the anarchistic group at Morenci, Ariz., were they not?—A. Yes.

Q. You are advised that the evidence upon which the warrant of arrest in your case was issued has heretofore been forwarded to the Secretary of Labor at Washington, D. C., and will be considered by him, together with the record of this hearing, in arriving at a decision in your case. Do you desire to make any further statement concerning the said evidence, or to show cause why you should not be deported?—A. I do not wish to be deported; I have committed no crime. I am obliged to work to support my family.

Personal description: Height, 5 feet 11 inches, without shoes; eyes, hazel; complexion, medium; hair, dark brown; marks, scar right neck, under ear; upper lobe left ear pressed or flattened.

The medical examiner certifies the alien to be in good health.

Findings: It is found from the evidence that Juan Villanueva, the person made the subject of these proceedings, is an alien, a native and citizen of Mexico, and that he is subject to deportation for the following reasons, to wit: That he entered the United States from Mexico on September 26, 1918, at El Paso, Tex.; that he disbelieves in all organized government; that he is an opponent of all organized government; and that he is an anarchist.

Recommendations: It is therefore recommended that the alien be deported to Mexico, the country whence he came and of which he is a citizen. It is further recommended that action in the case be expedited and this office telegraphically advised, inasmuch as the alien is being detained at the expense of this service.

R. A. SCOTT, *Immigrant Inspector.*

I hereby certify that the foregoing is a true and correct transcript of the record of hearing in the above case as recorded direct on the typewriter.

WILLIAM FERINGER, *Typist.*

I certify the above to be a true copy of the record of hearing in this case, taken from the file of the Tucson, Ariz., office.

R. A. SCOTT, *Inspector in Charge.*

UNITED STATES IMMIGRATION SERVICE,
MEXICAN BORDER DISTRICT,
IN THE COUNTY COURTHOUSE,
Morenci, Ariz., September 14, 1919.

(Tucson, Ariz., file No. 1552/10.)

Statement of Crescencio Lopez Aguilera, relative to his right to be and remain in the United States:

Present: R. A. Scott, examining inspector; E. B. Sisk, special agent, Department of Justice; F. H. Carlock; J. Y. Ainsa acting Spanish interpreter (sworn). (Examination in Spanish.)

CRESENCIO LOPEZ AGUILERA, being first duly sworn, testified as follows:

EXAMINING OFFICER to alien:

Q. What is your name, age, occupation, place of birth, and place of residence?—A. Crescencio Lopez Aguilera; age, 30; occupation, miner; born at Paso de Soto, Jalisco, Mexico; residence, Morenci, Ariz.

Q. Of what country are you a citizen?—A. Mexico.

Q. What family, if any, have you?—A. One child, a girl, Dolores Aguilera, born in Morenci, Ariz.; I was divorced from my wife, Carner Provencio, on July 14, 1919.

Q. When and where did you last enter the United States?—A. In February, 1907, at El Paso, Tex.; I have not been out of the United States since.

Q. Were you inspected and duly admitted by immigration officers in February, 1907, in El Paso, Tex.?—A. Yes.

Q. Were you accompanied or alone at the time of entry?—A. Alone.

Q. I now introduce for incorporation in the record, copies, in English, of the following letters, which will be marked, respectively, "Exhibits A, B, C, D, and E": To Mr. Epitacio "Trias" (Los Angeles, Calif.), dated Morenci, Ariz., March 10, 1919, signed Crescencio L. Aguilera; to Epitacio "Frias" (Los Angeles, Calif.), dated Morenci, Ariz., April 19, 1919, signed Crescencio Lopez Aguilera; to Maria B. Magon, Los Angeles, dated Morenci, Ariz., April 20, 1919, signed Crescencio L. Aguilera; to Mrs. Maria B. Magon (Los Angeles, Calif.), dated Morenci, Ariz., April 22, 1919, signed Crescencio Lopez Aguilera; to Mrs. Maria B. Magon, Los Angeles, Calif., dated Morenci, Ariz., May 19, 1919, signed Crescencio Lopez Aguilera. The copies of the letters referred to will now be read to you and translated into Spanish by the acting Spanish interpreter to you. [Copies of letters read and translated and read in Spanish to the alien by the acting interpreter.] Did you write these letters?—A. Yes.

Q. How long have you been connected with this anarchistic group in Morenci, Ariz.?—A. Less than a year.

Q. Who got you to join this group?—A. No one.

Q. Where and about how often were the meetings of the group held?—A. The meetings were held at the houses of the different members in Morenci, Ariz., about every eight days.

Q. How many members usually attend the meetings?—A. About six to eight.

Q. What persons attended these meetings?—A. There was Juan Villanueva, myself, Jose Gutierrez, Carmen B. Barragan, her husband, Jesus P. Barragan, Camillo Munoz, Alvaro Fernandez, and a man named "Pascual," whose last name I don't know. That is about all that I remember.

Q. What did you do at these meetings?—A. We read and discussed books, dramas, and other literature, conforming to our belief.

Q. Anarchistic books?—A. Yes.

Q. Books like these taken from your room at the time you were taken into custody to-day (introducing books "El Hijo del Anarquista," Barcelona, Spain, Tomo 1 and 11; "Corazon de Obrero," Barcelona, Spain, Tomo 1 and 11; "Carranza se Despoja de la Piel de oveja por Ricardo Flores Magon"—The Son of the Anarchist, volumes 1 and 11; The Heart of the Laborer, volumes 1 and 11; Carranza Stole the Sheep's Hide, by Ricardo Flores Magon?—A. Yes.

Q. You are advised that these books will be introduced as evidence in this proceeding, and marked, respectively, "Exhibits F, G, and H." Since your divorce from your wife in July last, you have entered into a free love marriage with the widow of one Ricardo Bernal, have you not?—A. Yes; because my first wife deserted me.

Q. You have never been married to the Bernal woman according to the civil law or the ordinances of the church, have you?—A. No.

Q. At the time you were taken into custody to-day this woman was found in your house occupying your bed with you, was she not?—A. Yes.

Q. In other words she was recently taken by you as your free love wife in accordance with the anarchistic decree, was she not?—A. Yes.

Q. When and where was this free love marriage consummated?—A. Here in Morenci, in May, 1919; there was no group ceremony.

Q. This was before you had obtained your decree of divorce from your former wife?—A. Yes.

Q. The following excerpt is taken from the pamphlet "Carranza se Despoja de la Piel de oveja, por Ricardo Flores Magon" (Carranza stole the Sheep's Hide, by Ricardo Flores Magon), which pamphlet has been introduced in evidence, and which, it is noted, bears your name stamped thereon (English translation); "Government or Anarchy. Brother Laborers: Be convinced once and for all that humanity is divided into two social classes, that of the workers who produce all useful things and that of the exploiters, who are those declaring themselves owners of the land and all that comes from the hands of the workers. The interests of these two classes are antagonistic; there is no conciliation, because what benefits one of them, injures the other, and for this reason there must exist between the two social classes a war to the death, until the exploiting class, capitalists, bourgeois, proprietors, parasites, or whatever name you care to call them, disappears, and together with them will disappear the institution called government, that only exists to help the exploiting class, and the institution church, that has for its object the keeping in submission and obedience of the masses that they may not rebel against the rich and Government.

"In order to do away with the exploiting class it is only necessary to ignore the so-called property right and take possession for the community. This done, both government and church will disappear, as they will have no mission to perform. Then will anarchy have triumphed, also a system of economic, political, and social liberty for the individual; a system fixed on a fraternal and mutual respect basis"; the system of equality for the free and happy, a system where only the indolent will have no right to eat.

"Choose, brothers, government or anarchy. If you are for anarchy, adopt the principles announced in manifesto of September 23, 1911, by the Organizing Body of the Liberal Party of Mexico."

You, of course, knew that Ricardo Flores Magon, was an anarchist, did you not?—A. Yes.

Q. And you became a member of this anarchistic group in Morenci, Ariz., because you entertained belief in anarchistic teachings and doctrines?—A. Yes.

I hereby certify that the foregoing is a true and correct transcript in the above matter.

R. A. SCOTT,
Immigrant Inspector and Acting Stenographer.

I hereby certify that the above is a true copy of the record of hearing in this case, taken from the file of the Tucson, Ariz., office of the United States Immigration Service.

WILLIAM FERINGER,
Junior Clerk (Stenographer).

TUCSON, ARIZ., October 13, 1919.

EXHIBIT 4.

WARRANT HEARING.

UNITED STATES IMMIGRATION SERVICE, MEXICAN BORDER DISTRICT,
Tucson, Ariz.

(Tucson file No. 1552/12.)

In the matter of Jesus Jose Barragan, arrested pursuant to departmental telegraphic warrant of arrest, dated September 25, 1919.

Hearing held in the office of the inspector in charge, Tucson, Ariz., this 27th day of September, 1919.

Present: R. A. Scott, examining inspector; Samuel T. Wright, acting interpreter; William Feringer, junior clerk (stenographer). (Examination in Spanish).

EXAMINING OFFICER to alien:

Q. There is now presented to you, Jesus Jose Barragan, the warrant of arrest in your case, charging that you are an anarchist; that you believe in the overthrow by force or violence of the Government of the United States; that you disbelieve in all organized government, and that you are an opponent of all organized government; also the evidence upon which the warrant was issued, consisting of your statement made to me at Globe, Ariz., on September 23, 1919, same being Exhibit A. The said evidence is written in the English language and will be read and interpreted to you, if you so desire. Do you desire that it be read to you?—A. Yes. (Statement read and translated to the alien by the acting interpreter).

Q. You are advised that you are entitled to be represented by counsel at this hearing; do you desire to avail yourself of this right?—A. No; I have no money to employ a lawyer.

Q. Then you waive your right to be represented by counsel at this hearing?—A. Yes.

Q. You are advised that you may be released from custody during the pendency of these proceedings upon furnishing satisfactory bond in the sum of \$1,000. Do you desire to furnish bond in the amount stated?—A. No; I can not give bond.

Q. You will please be sworn.

Alien, being first duly sworn, testified as follows:

My name is Jesus Jose Barragan; I am 31 years of age; I was born at Parral, Chi., Mexico; I am a citizen of Mexico, and of the Mexican race; I last entered the United States at El Paso, Tex., in 1910; I do not remember the month; my destination at that time was Morenci, Ariz., and my occupation, miner; in the United States I have a wife, Carmen Arselanes de Barragan, and two sons, Manuel, 16 years old, and Lorenzo, 11 years old; they were in Miami, Ariz., with me, and my oldest son Manuel is still there; my wife disappeared with my smallest son at the time of my arrest, and I do not know her present whereabouts; my father, Vicente Barragan, was living on Stanton Street, El Paso, Tex., six months ago, but I do not know where he is living now; my mother is dead; I also have Josefa Barragan de Mendez, sister, who, six months ago, was living on Stanton Street, I do not know what number, El Paso, Tex.; in Mexico, I have four sisters, residing in Santa Barbara, Chi., Mexico.

Q. Are you the same Jesus Jose Barragan who made a statement to me at Globe, Ariz., on September 23, 1919?—A. Yes.

Q. Were the statements made by you at that time true?—A. Yes, sir.

Q. You admit that you are an anarchist, that you disbelieve in and are opposed to all organized government? Is that correct?—A. Yes; I am an anarchist. I also disbelieve in and am opposed to all organized government.

Q. What means do you advocate for getting rid of the present forms of organized governments?—A. The workmen would need to study years and years to learn how.

Q. Could not the overthrow of existing forms of government be accomplished quicker by revolutionary methods?—A. I believe not. We don't believe in shedding blood.

Q. Do you advocate force or violence in overthrowing the present systems of government?—A. No, sir; neither by force nor violence.

Q. You do not believe in taking part in government as at present organized, do you?—A. Probably so.

Q. Would you care to exercise the right of suffrage, that is, the right of voting, in this country under the government now existing?—A. If I was a citizen, I would have to vote. I believe citizens of a country should vote whether they believe in the present form of government or not.

Q. How do anarchists propose to establish anarchy in the place of the different governments now existing?—A. It will be necessary for all to study and arrive at the same opinion that the anarchists have.

Q. Well, what will happen then?—A. I think then that everybody will have to work.

Q. But how will the form of government be changed?—A. I think the lands should be divided up among the poor people, as was in Mexico by Benito Juarez years ago.

Q. Would you advocate force or revolution as a means of accomplishing this result?—A. Not by violence.

Q. Was Ricardo Flores Magon formerly a member of the Morenci, Ariz., anarchistic group?—A. No; he was a teacher or chief of the anarchistic party to which we belonged.

Q. Did Enrique Flores Magon, said to be a brother of Ricardo Flores Magon, belong to the same anarchistic party?—A. Yes.

Q. Did the members of the Morenci group receive communications or literature from Enrique Flores Magon?—A. Yes, sir.

Q. In these letters and in this literature he advocated the anarchistic teachings of the group?—A. Yes, sir.

Q. Were similar letters received by the group from Maria B. Magon, said to be the wife of Ricardo Flores Magon?—A. Yes, sir.

Q. All three of the Magons, Ricardo Flores Magon, Enrique Flores Magon, and Maria B. Magon, were recognized by the group at Morenci as being anarchists, were they not?—A. Yes, sir.

Q. Have you any property in the United States?—A. No, sir.

Q. You are advised that the evidence upon which the warrant of arrest in your case was issued has heretofore been forwarded to the Secretary of Labor at Washington, D. C., and will be considered by him, together with the record of this hearing,

in arriving at a decision in your case. Do you desire to make any further statement concerning the said evidence, or to show cause why you should not be deported?— I believe I have a right to live in the United States; I have been here so long and my children were born here.

Personal description: Height, 5 feet 6 inches without shoes; eyes, dark brown, complexion, medium dark; hair, black, streaked with gray; marks, two red marks, one small and one about 1 inch long, middle of chest; black mole right side neck, several moles right cheek; pit marks nose and face; indistinct burn scar lower inner side right wrist.

The medical examiner certifies the alien to be in good health.

Findings: It is found from the evidence that Jesus Jose Barragan, the person made the subject of these proceedings, is an alien, a native and citizen of Mexico, and that he is subject to deportation for the following reasons, to wit: That he is an anarchist; that he disbelieves in all organized government, and that he is opposed to all organized government; it does not appear that the record sustains the charge contained in the warrant of arrest to the effect that the alien believes in the overthrow by force or violence of the Government of the United States, which charge was not contained, it is noted, in the telegraphic application.

Recommendations: It is therefore recommended that the alien be deported to Mexico, the country whence he came, and of which he is a citizen. It is further recommended that action in the case be expedited and this office telegraphically advised, inasmuch as the alien is being detained in the detention quarters at this station at the expense of the Immigration Service.

R. A. SCOTT,
Immigrant Inspector.

I hereby certify that the foregoing is a true and correct transcript of the record of hearing in this case.

WILLIAM FERRINGER,
Junior Clerk (Stenographer).

I hereby certify that the above is a true copy of the record of hearing in this case, taken from the file of the Tucson, Ariz., office of the United States Immigration Service.

WILLIAM FERRINGER,
Junior Clerk (Stenographer).

WARRANT—ARREST OF ALIEN.

UNITED STATES DEPARTMENT OF LABOR,
Washington.

(No. 54861/116.)

To: James R. Dunn, Inspector in charge, St. Louis, Mo., or to any Immigrant Inspector in the service of the United States:

Whereas from evidence submitted to me, it appears that the alien Enrique Flores Magon, who landed at the ——— an unknown port, on or about the 1st day of January 1904, has been found in the United States in violation of the immigration act of October 16, 1918, for the following, among other reasons: That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches opposition to all organized government; and that he is a member of or affiliated with an organization that entertains opposition to all organized government.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of Regulating Immigration, 1920." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 7th day of February, 1920.

(Impression of stamp (Illegible).

Acting Secretary of Labor.

DEPORTATION RECOMMENDED BY COMMISSIONER GENERAL.

APRIL 12, 1920.

(54861/116.)

In re Enrique Flores Magon; aged 43; native of Mexico; entered the United States at Laredo, Tex., about January, 1904.

Memorandum for the assistant secretary:

A departmental warrant issued in this case February 7, 1920, the same being in response to a formal request submitted by Immigrant Inspector at Kansas City, Mo., setting forth facts showing alien to be in the United States in violation of the act of October 16, 1918. He was accorded a hearing under the warrant at the Federal Penitentiary, Leavenworth, Kans., on March 18, 1920. He was advised of his right of counsel but did not avail himself of that privilege.

The record discloses that the alien is married, and that his wife and six American-born children are living in Los Angeles, Calif.; that by profession he is a writer and speaker, and by trade a millworker.

He testifies that he was born in Mexico City, Mexico, and was forced to leave there 16 years ago on account of his political activities, being an enemy of Diaz, who was then President of that country, and that later he was forced to remain in this country on account of being an enemy of Carranza. He states that he has been accused of inciting the Mexican people to take up arms against Carranza, and that he knows that any of his followers, or even readers of his papers, found in Mexico are murdered. He further states that he has been the publisher of the paper known as "The Regeneration," originally published in Mexico City, then in San Antonio, Tex., and finally resumed in Los Angeles, Calif., in 1910, where it was published up to the time of his arrest; that from St. Louis he was forced to travel in various parts of the country, as a reward of \$20,000 had been offered by Porfirio Diaz to anyone who would get him across the Mexican line. He states that the specific aims and purposes of this paper was the overthrow of the Government of Mexico and in doing justice to the Mexican people, and frankly admits that in this paper and in other literature published by him over his signature that he has advocated anarchy. He admits that he is an anarchist, and believes in anarchy, but amplifies by classifying himself as a Communist Anarchist, and states that by Communist anarchism he believes in the theory of having all the national and social wealth as the property of all, that all may have absolute freedom from a political, social, and economic point of view; so that everybody would be free, equal, and brothers regardless of sect, race, or color, and that, therefore, his creed is that of assuring to everybody the right of working and in enjoying to the full profit of that labor, and so to insure for everybody the right of life and enjoying life.

The alien also testifies that he is one of the founders of the Mexican Liberal Party, and an organizer and active propagandist for that party, the headquarters for which were the offices of his newspaper in Los Angeles, and that as publisher of the Regeneration he issued handbills, Exhibit 1, entitled "Organizing Body of the Mexican Liberal Party." This exhibit is purely anarchistic, and sets forth that the "Liberals" struggle to wrest from the hands of the rich the land, the water, the forests, the mines, the factories, the shops, etc., through force of arms, throwing everything into the hands of the poor, so that they may come to an understanding and organize the free production, and act as overseers for all classes. While he contends that the Mexican Liberal Party is aimed primarily at the overthrow of the Government of Mexico, the language employed in the handbills, clearly shows that it is an organization that comes within the purview of the act under which the warrant in this case was issued.

The alien is admittedly an anarchist, and the record throughout conclusively proves this to be so, and this fact caused the examining inspector to place the alien on notice that in addition to the charges contained in the warrant the charge of being an anarchist would be placed against him. The alien indicates that he will not fight deportation, but objects strenuously to being sent to Mexico, saying that he will surely be shot if placed across the border of that country, and for this reason he hopes that if he must be deported that he and his family will be sent to Soviet Russia.

The examining officer and the inspector in charge at St. Louis recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law, and is subject to deportation therefor, this on the ground, and it is so found, that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he disbelieves in all organized government; that he teaches the assassination of public officials; and that he teaches the unlawful destruction of property.

It is therefore recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Mexico at Government expense, such deportation to become effective at the termination of his present sentence at Fort Leavenworth, Kans.

A. CAMINETTI,
Commissioner General.

Deport.
ASSISTANT SECRETARY.

CANCELLATION OF WARRANT BY ASSISTANT SECRETARY OF LABOR—DEFINITION OF WORD "ANARCHIST."

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 14, 1920.

Memorandum—

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Enrique Flores Magon, No. 54861/116.

The alien is married and has six American-born children living in the United States. He is a native of and a political refugee from Mexico. If deported to that country in its present political condition he would doubtless be executed for political offenses, as he predicts. For this reason his deportation to Mexico on any ground whatever would be equivalent to a death sentence. It would contravene the long-established American principle regarding political refugees and would also conflict with the spirit of that expression of those principles which appears in the second proviso of section 3 of the Immigration Act of 1917. These circumstances, however, do not present themselves for decision unless the alien comes within the expulsion clauses of the act of 1917 or the supplementary act of 1918.

The warrant of arrest charges the alien broadly with membership in or affiliation with an organization made unlawful by the act of October 16, 1918. To these charges there was added during the hearing the charge that the alien is an anarchist, which, if sustained, would in itself bring him within the act of 1917 as well as that of 1918.

The membership charge rests upon alien's admitted connection with the Mexican Liberal Party—an organization supporting political and industrial revolution in Mexico. To sustain this charge under the immigration laws it must appear that the Mexican Liberal Party (1) entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States, or (2) of all forms of law; or (3) advocates or teaches disbelief in or opposition to all organized government; or (4) advocates the duty, necessity, or propriety of the unlawful assaulting or killing of officers of the Government of the United States, or of any organized government, because of his or their official character, or (5) that advocates or teaches the unlawful destruction of property.

It is not shown that the Mexican Liberal Party comes within any of those clauses. This organization appears to be an organization designed to revolutionize political and industrial conditions in Mexico. As such it may be violating American neutrality, as other organizations in this country often do; but it is not chargeable with a crusade against the Government of the United States, or all governments, or the lives of officials, or the existence of property, or all forms of law, or all organized government. Consequently, the charge that the alien is a member of an organization proscribed by the act of October 16, 1918, falls, and to that extent the warrant is cancelled.

The only remaining charge is that alien is an anarchist. In his testimony he calls himself an anarchist. If, then, the word "anarchist" as a mere word, regardless of its meaning or the alien's meaning in using it, is to determine the case, the alien must be deported; for the act of October 16, 1918, requires the deportation of "aliens who are anarchists."

But Congress can not have used the word anarchist as a "verbal brickbat" after one of the verbal fashions of the time. It must have meant something by which the word could be expanded into one or more definite significations. This is all the more certain since the term "Anarchism" has long had a well-defined meaning, not only in general political literature, but in standard encyclopedias and dictionaries. It is the name of a movement which originated with Pierre Proudhon, about the middle of the last century. Proudhon's anarchism predicated social order upon the self-control of free individuals, without governmental force. He asserted the extreme of an old American doctrine which is not yet forgotten, that "the best government is a government that governs least." Out of Proudhon's anarchistic or nongovernment

philosophy there sprang two principal schools of anarchism, the pacific and the militant, each with a variety of factions. "The militant school is terroristic, its slogan "propaganda by deed." Its method and its activities in different parts of the world have doubtless given to the word "anarchism" that sinister significance which attaches to it in its uses as a vulgar epithet.

But in the interpretation of a legislative act, reasonable constructions must be given to this word as to all other words. Giving such a construction to the word "anarchist," as used in the immigration law, its broadest possible meaning would include on the one hand disciples of Leo Tolstoi, that famous and beloved advocate of the communistic simplicity of the early Christians, and on the other hand the advocates of "propaganda by deed," who with pistol, knife, or bomb would assault rulers and property owners. The alien in this case falls within neither category.

He describes his ideal of Government as follows: "Organization of the individuals in their several works; from there in every town; from every town to every region; and from every region to what we call now national organization to form a kind of republic." He would have "each country follow the sentiments of the majority of its inhabitants." In other words, he favors the American theory of peaceable government by the majority. To deport a believer in a Government as an anarchist because he calls himself one would be as absurd as refusing to deport a believer in anarchistic "propaganda by deed" if he called himself a Christian. Although the alien gives to his ideal of government the name of anarchism, his description of his ideal is not anarchistic. He is therefore not under the ban of the act of Congress of October 16, 1918, unless Congress intended to legislate against all forms of government except those that actually exist, including in the latter the most autocratic. This would be inconceivable of an American Congress.

The warrant is cancelled.

LOUIS F. POST,
Assistant Secretary.

CASE OF ALEX SNELLENBERG.

Regarding the case of Alex Snellenberg, bureau file No. 35012/656 the following comment may lead to a better understanding of the case, which originated in 1918, as follows:

A letter postmarked Seattle, Wash., unsigned, but bearing an address of the writer, addressed to a party in Mexico, was intercepted by the postal censors and translated. The contents speak for itself, a copy being hereto attached, and shows that it was written by a dangerous anarchist to another anarchist and a number of names are mentioned therein in such a way as to lead to the belief that they are also anarchists.

A copy of the letter was forwarded through official channels to Seattle and an investigation conducted by the Military Intelligence Service jointly with the Immigration Service brought out the fact that the letter in question was written by one John Clerc, a Frenchman, never naturalized. Clerc was living with a woman who had borne him two children, but to whom he was never married. He was apprehended and confessed not only that he was an anarchist but that he was the writer of the intercepted letter. He further implicated all of the parties whose names he had mentioned as being anarchists. He stated that he had been connected with the famous or rather infamous "Home Colony," an anarchist and free love colony located near Tacoma, Wash. He even went so far as to go in a closed automobile with an officer and point out where certain of the fellow anarchists mentioned in the letter lived. That same night he hanged himself with a towel in the immigration station.

One of the men mentioned in Clerc's letter was a man named Leon Morrel, Frenchman, unnaturalized. An officer of the Military Intelligence Service and an immigration officer went to Morrel's house and, on inquiry, were informed that he was not there, but could be

found at the house of his partner in business, Alex Snellenberg. The officers then went to Snellenberg's house and there found Morrel. Snellenberg offered to bring the party to the immigration office in his automobile, which offer was accepted. En route he made some remarks that caused the officers to request him to come into the immigration office upon their arrival, and question him. He stated that he was a citizen of the United States by naturalization, giving place of naturalization; and among other things said that the Government of the United States needed him much more than he needed that Government. He also finally made the bold statement that he was a philosophical anarchist. Permission was asked, and granted by him, for the officers to accompany him to his residence and search same, or rather to look over his literature. A large quantity of anarchist literature was found and he gave his consent to its temporary removal to the immigration office for examination. (A list of said literature hereto attached.)

Morrel had, in the mean time, been held on a warrant on a deportation proceeding, and after some delay was ordered deported, and is at the present time at Ellis Island unless he has been deported within the last couple of weeks.

In the meantime an investigation had developed the fact that Snellenberg had not been naturalized as he claimed, but had only obtained his first paper. Upon that showing, together with the statements he had made relative to his anarchist beliefs and the literature found in his house, a warrant for his arrest on a deportation proceeding was obtained. He was taken into custody and shortly afterwards gave bond. He was granted a hearing, refusing to employ counsel, and handled his own case, including the writing of a lengthy brief. During the course of the hearing the Military Intelligence officer testified as to the conversation with Snellenberg on the occasion of Morel's arrest, to the effect that he, Snellenberg, had at that time stated he was a philosophical anarchist, etc. This was not denied by the alien. The literature, or a list of same, was introduced in evidence. The alien testified he was in favor of a change in the Government of the United States and in reply to a question as to whether or not he would bring that change about by the ballot replied that the ballot might do for some but that he never used it. He evaded all direct questions as to his doctrine and skillfully fenced with the examiner. The evidence, however, showed that he was connected with Home Colony, the anarchist colony before mentioned; that his wife and children spent their summers there, and that he was a subscriber to anarchist publications, etc.

The record was completed and transmitted to the department, through the bureau, for decision. The memorandum of the bureau, together with the letters passing back and forth regarding this case, and the Assistant Secretary's final decision and a letter of apology for the arrest and inconvenience caused the alien; also the findings of the examining inspector and a copy of Clerc's letter are hereto attached. A copy of a detailed report made concerning the anarchist colony known as "Home Colony" has already been incorporated in this report, and, while it never was used in any way in connection with the Snellenberg case, was a matter of record in the files of the bureau and gave some insight to the colony in which Snellenberg

was interested and to which he sent his wife and children to spend their summers.

It was in this colony, on the Morrel place, that Caplan, the convicted dynamiter of the Los Angeles Times, was hidden and arrested.

The Oscar Dietz mentioned in the report regarding Home Colony is the same "Oscar" mentioned in Clerc's letter.

The various documents mentioned read as follows:

[San Antonio, Tex.; New York, N. Y.; United States Postal Censorship. Date of letter May 9, 1918.]

From: Mr., No. 923, Twenty-sixth South, Seattle, Wash.

To: Mr. Lorenzo Roebas, Apartment 1714, Mexico City.

Before receiving your last letter, I intended to write to you, as it was a very long time since I had any news from you. Your postal card has tranquilized us, and I am glad to know that you are more or less safe down there. When you left I was asking myself what were the reasons you had to emigrate so far away, as then I didn't see how things were, but now, old man, it is something extraordinary and you over there can not realize what is happening here. It is madness in every respect. A beastly madness, which know no limits. In this country with her impulsive population one sees at present the most savage scenes, and the newspapers are continuously relating "Mob" cases, "Lynch" cases, or "Tar and feather parties," in the Germans and oftener the poor devils of the I. W. W., have to go through a worse quarter of an hour than suffered by those in the trenches in Europe. These are the small facts of the mob, which altogether are nothing compared with those of that monster, "The State." The legal persecuted are very extended everywhere under the pretext to fight pro-Germanism, when in fact, the fight is only against those who think too far and talk too loud. The "reaction" composed of all Wall Street clique, which governs the country from the Atlantic to the Pacific and from the limits of Canada to Mexico, is acting with an audacity which never could have been believed from this country. They have arrived at a fanaticism worse than the religious fanaticism. We are going through a period worse than that of the Middle Age, with the only difference that this time it is the State (the most terrible of all monsters as Nietzsche said), which substitutes the church. All the newspapers with radical tendencies and ideas have been suppressed and the majority of the companions which were somewhat active in the organizations or in newspapers, have been arrested. You know that all those belonging to the I. W. W. f. i. are at present on trial in Chicago, and the result of this process will decide everything in the United States. It will be one or the other. Either the movement of Emancipation which has begun to develop well in this country will be completely annihilated, according to the course of this trial in Chicago, there will be perhaps a chance to revolt. We are all waiting, as this will be the decisive blow. Up to the present we have been able to pass between the rain drops, but after this if the trial is lost, there will be no limits.

It is impossible to continue in the shops, they literally oblige one to give for the Red Cross, to buy "war savings stamps" or "Liberty bonds." You must have heard talk what happened last winter with our Italian companions, who were subscribed to a paper of Galianni, "La Chronaca Suversive" (The Subversive Chronicle). About 50 were arrested, and many of them known to us, and the only charges the Government had against them was simply because they were foreigners and were supporting an anarchistic newspaper. There is at present absolutely no chance for a foreigner who is known as a radical, as the law can be interpreted in all senses. The affair of our Italian companions, which has lasted since the 25th of November, has not yet been solved and nobody knows how it is going to end. Many have been set free under bail varying between \$2,000 to \$5,000. . . . You have understood, eh, \$5,000—bail—some of them are still in the hole and it is impossible to help them, and it is believed that they will remain there until the end of the war, or that they will be deported, with which they have been threatened. The attitude of the unions is simply deplorable and more and more disgusting, and this has been well appreciated in this affair of the Italian companions. There were many who belonged to the unions and among others a companion of ours, a machinist. Only after 4 months of prison it has been possible to make them act and efforts and struggles were necessary. I myself have been personally mixed directly in this matter, but you know, notwithstanding it all, our good will has been handicapped, we are not yet sufficiently assimilated with the country and their system of action and really very far from our center to enable us to fulfill our task as we wish to. Nevertheless, thanks to some of the companions who are in

the unions, there is an apparent solution to this matter, otherwise all the companions would have been deported. The situation for all of us here is really far from being bright, and it is enough to be known to be molested. It has come to a point that I really don't know what decision will be necessary for me to take, and you may rest assured that if it was not for my wife and two babies, by all means I would try to make trouble.

They are talking now about putting the limit of the draft age to 40 years and then we will be in a good fix. On the other side, the Governments of the Allies have made an arrangement with the law of each country, which means that on one or the other way they have us, as in France the limit of the draft age is 45 years. Our old companion, Lucien, has already been drafted and nobody can understand how this could ever happen. He is in a camp just beside us, and although we have tried many times with Oscar's coach to see him, we have not yet been able to succeed and we don't know what all this means. We hope to succeed next week, or at least in two weeks and perhaps I will be in a position to give you more details. It might happen that following the events you will receive a note which on the first moment you might not be able to quite understand—with your discernment and more knowing the situation here you will surely be able to get its meaning at once and will act in accordance. If i. e., my boss, writes to you to come here to repair the machines which you know well, you will understand that it is better to remain in the country of the cactus and that that will mean that it will be necessary to exchange the rôles. As I have already told you, no one can foresee how all this will end, and it is always good to know how one can get along in case of necessity. A couple of months ago I escaped danger in a shop where I was, having refused to give for the Red Cross; one word of discussion brought another and only thanks to a man in the shop, an Irishman, I escaped from being lynched, which no doubt would have happened. Imagine, they all came together and wanted me to embrace the American flag. Everywhere more or less, is the same story. Well, enough about this question. I send you from time to time newspaper clippings and you ought to know more or less what is happening here. Do you receive these newspapers?

I suppose that some news about the companions will give you pleasure. Leon Morel has at last come back, what happens with all the companions who have come to the West and returned to the East. He has again established a new shop and it is surely not work which is lacking, as such we can find everywhere at present. There are all the chances to succeed now, but it is always the same thing, as well considered all our conduct is solely due to one thing, to our temperament, and it not only is difficult to control oneself, but one can not change. Oscar is all right and is still here. He also has his troubles against the "alien enemy" which does not permit them to go any farther than 300 yards from the water front. As he hasn't got his second papers this means that he is not allowed to work in any of the shipyards here and can not even come near the docks. He has bought a little Ford and every Sunday we go out on picnics. We have been on top of the falls a few days ago and in Olympia last Sunday. Henry and Jean are still working in 'Frisco and at present have abandoned "La cielsure." They are now metal patent makers; that is almost machinists. You no doubt heard about Marcel Dubreil's death. He died in France when with his regiment, I believe. He didn't even have a chance to end as a hero. Lucien came to see us last Sunday. He has been drafted in accordance with the American law, because, as you know, they take everybody, and he was just in the age limit, which is 30 years. He was nearly 31 just before the date of the draft, and he was anyhow in the classification of 30 years, not having completed 31 years. This means that only we tried to help him he lost his freedom. The first weeks were awful and he tried his best to desert, but there was no chance, there is no way to take a steamer and the Mexican border is so well guarded that it is impossible to try anything. He is supposed to remain in the Army until the end of the war and he does not yet know if they will send him to France. Up to the present he has succeeded in obtaining a job in an office with a captain and he has decided by all means never to carry a gun.

This is where we have arrived, my old man, after having escaped France, we are now well caught here. This country is getting just as bad as Europe is.

We are getting along more or less well in the shops. The pay is good and it varies from \$6 to \$7. I get at present \$6.75 and I am in charge of the Tunent lathes and automatique machines. Have you already seen those "Cleveland automatiques" or the "Acme automatic." It is something like mounting and arranging machines, but I have studied a little and I am used to it. But the most important part is that I have a good job. We only work now 44 hours a week and since the 1st of May it is understood according to the metal trades agreement that we will have Saturday afternoons free during the four summer months, but now everybody talks of insisting to have it the whole year.

Well, my old man, I stop, because I have talked too much. Don't forget to take care of the subscription of the Revue I have asked you about. With regards and hoping to see or hear from you, I am,

ALWAYS 923 TWENTY-SIXTH SOUTH.

Exact copy: F.

List of books, pamphlets, magazines, etc., found in the home of Alex Snellenberg, Brander Place, Seattle, Wash., at the time of his arrest, July 24, 1918, by the United States Immigration Service:

Free Society, new series 1, November 14, 1897, to 52, November 6, 1898; The Firebrand, volume 3, No. 1, February 7, 1897, to 3, No. 32, September 12, 1897; Free Society, 109 papers, volume 4, No. 1, November 13, 1898, to No. 6, 58, December 23, 1900; bound together. Prison Memoirs of an Anarchist, Berkman, 1 copy. Useful Work v. Useless Toil, William Morris, 4 copies. The Old and the New Ideal, Emil F. Ruedebusch, 1 copy. The Psychology of Political Violence, Emma Goldman, 1 copy. Age of Reason, Thomas Paine, 1 copy. Why?, volume 1, No. 1, January, 1913, 6 copies; volume 1, No. 4, April, 1913, 1 copy; volume 1, No. 7, July, 1913, 1 copy; volume 1, No. 9, September, 1913, 1 copy; volume 1, No. 11, November, 1913, 1 copy. The Coming Woman, Lillie D. White, 2 copies. Katherine Breschkovsky, For Russia's Freedom, Ernest Poole, 1 copy. The Basis of Trade Unionism, Emile Pouget, 2 copies. Modern Science and Anarchism, David A. Modell, 2 copies. War, Pierre Kropotkin, 8 copies. The State, Peter Kropotkin, 1 copy. Crime and Punishment, Voltairine de Cleyre, 3 copies. An Invocation, a scathing arraignment of the War Lord, J.W.Y., the logger philosopher, 1 copy. The Labor Question, Henry George, 1 copy. A Concise History of the Great Trial of the Chicago Anarchists in 1886, Dyer D. Lum, 1 copy. Mother Earth, Emma Goldman, volume 2, No. 8, October, 1907, 1 copy; volume 2, No. 9, November, 1907, 1 copy; volume 3, No. 10, December, 1907, 1 copy; volume 3, No. 5, July, 1908, 1 copy; volume 3, No. 8, October, 1908, 1 copy; volume 4, No. 3, May, 1909, 1 copy; volume 5, No. 12, February, 1911, 1 copy; volume 6, No. 9, November, 1911, 1 copy; volume 9, No. 5, July, 1914, 1 copy; volume 10, No. 8, October, 1915, 1 copy; volume 10, No. 11, January, 1916, 1 copy; volume 11, No. 1, March, 1916, 1 copy; volume 11, No. 2, April, 1916, 1 copy; volume 11, No. 12, February, 1917, 1 copy; volume 11, No. 11, January, 1917, 1 copy; volume 12, No. 3, May, 1917, 1 copy. Socialist Songs and Dialogues, Josephine R. Cole, 1 copy. Anarchism: Its Philosophy and Ideal, Peter Kropotkin, 1 copy. The State: Its Historic Role, 1 copy. God and the State, Michael Bakunin, 1 copy.

The International Socialist Review, September 15, 1907, volume 8, No. 3, 1 copy; December 1, 1900, volume 1, No. 6, 1 copy. The Place of Anarchism in Socialistic Evolution, Pierre Kropotkin, 1 copy. The Wage System, Peter Kropotkin, 8 copies. President Wilson's Commission Demands New Trial for Mooney, 1 copy. An Appeal to the Young, P. Kropotkin, 2 copies. Evolution and Revolution, Elisee Reclus, 3 copies. The Quintessence of Socialism, A. Schaffle, Humboldt Lib. of Sci., No. 124, February, 1890, 1 copy. Civilization, Its Causes and Cure, Edward Carpenter, Humboldt Lib. of Sci., No. 144, October, 1891, 1 copy. What is Property? P.J. Proudhon, 1 copy. Essays on the Social Problem (Why I am an anarchist), Henry Addis, 7 copies. Direct Action v. Legislation, J. Blair Smith, 1 copy. New Zealand in a Nutshell, J. A. Wayland, 1 copy. A Forgotten Small Nationality—Ireland and the War, Francis Sheehy Skeffington, 1 copy. How Capitalism has Hypnotized Society, William Thurston Brown, 1 copy. Pages of Socialist History—Teachings and Acts of Social Democracy, W. Tcherkesoff, 1 copy. American Journal of Eugenics, June, 1908, volume 2, No. 3, 1 copy; July, 1908, volume 2, No. 4, 1 copy. American Journal of May, June, 1909, volume 3, Nos. 3-4, 1 copy. Memorial of Moses Harman, 1 copy. Eugenics, M. Harman, volume 2, Nos. 10-11, one and two, 1909, 1 copy; volume 3, Nos. 1-2, three and four, 1909, 1 copy; volume 3, Nos. 5-6, nine and ten, 1909, 1 copy; volume 3, Nos. 7-8, one and two, 1910, 1 copy. Responsibility and Solidarity in the Labor Struggle, Edward Bernstein, 1 copy. Social Democracy in Germany, Gustave Landauer, 1 copy. How to End Panics, Anarchist Federation of America, 1 copy. Library of Anarchism, Mother Earth Publishing Association, 1 copy. Wage Labor, and Capital, Karl Marx, 1 copy. The Agitator, November 15, 1910, 4 copies; December 15, 1910, 1 copy; March 15, 1911, 2 copies; April 1, 1911, 1 copy; April 15, 1911, 1 copy; May 15, 1911, 1 copy. Social Revolution, February, 1918, 1 copy; April, 1918, 1 copy. The Class Struggle, volume 2, No. 3, May-June, 1918, Boudin, 1 copy. The Liberator, June, 1918, Max Eastman, 1 copy. Sheet Metal, volume 7, No. 1, February, 1916, 1 copy; No. 3, April, 1916, 1 copy. The Sheet Metal Shop, volume 2, No. 3, April, 1911, 1 copy; No. 12, January, 1912, 1 copy; volume 3, No. 8, September, 1912, 1 copy. The Rebel, volume 1, No. 1, September, 1895, 1 copy; No.

4, January, 1896, 1 copy; No. 6, March-April, 1896, 1 copy. The Blast, volume 1, No. 2, January, 1916, 1 copy; No. 11, April, 1916, 1 copy; No. 13, May, 1916, 1 copy; No. 23, December, 1916, 1 copy; volume 2, No. 1, January, 1917, 1 copy.

The Commune of Paris, Peter Kropotkin, 1 copy. An Anarchist on Anarchy, Elisee Reclus, 1 copy. Discontent, November 1, November 16, December 20, 1899; March 14, 21, 28, April 10, 11, 18, May 9, 23, June 20, 27, July 4, 11, 1900, 1 copy each. The Demonstrator, September 7, November 16, December 7, 21, 1901; January 4, 1905, 1 copy each. Free Society, January 3, 10, 17, 24, 31; February 7, 14, 21, 28; March 3, 20, 27; April 3, 10, 17, 24; May 1, 10, 15, 16, 29; June 5, 12, 19, 26; July 3, 10, 17, 24; August 7, 14, 21, 28; September 4, 11, 18, 25; October 2, 9, 1904, 1 copy each. Social War, volume 1, No. 7; No. 4, April, 1917, 1 copy each. Seattle Daily Call, February 22; March 2, 5, 6, 7, 16, 18, 20, 23, 28; April 13, 1918, 1 copy each. Weekly People, New York, March 23; April 13, 1918, 2 copies. Industrial Worker, January 16, 18; May 4, 1918, 1 copy each. Mooney Frame-up Condemned by Federal Commission, International Workers' Defense League, 1 copy. Soundview, volume 8, No. 6, December, 1907, 1 copy. Against Religion and Marriage, E. L. Larkin, 1 copy. De Sociale Cids, January, March, April, May, June, July, August, September, October, November, December, 1893, 1 copy each. De Stervende Maatschappij En De Anarchie, Jean Grave, 1 copy. De Puihooopen of Beschouwing van de omwenteling der staten gevolgd van de Natuurlijke wet naar het fransch van Volney, 1 copy. Armoede of Welvaart, Dr. Jo Van Kampen, 1 copy. Michel Bakoenine en Karl Marx, Victor Dave, 1 copy. Medische Studie over de kunstmatige onderbreking der Zwangerschap door kruiden, dranken en andere middelen, Dr. R. A. Westerhout, 1 copy. Kracht en stof, Dr. L. Buchner, 1 copy. Het Kommunistische Manifest van Karl Marx and Friedrich Engels, C. Cornelissen, 1 copy. De rouw en Het Socialisme, A. Bebel, 1 copy. A friend of the Russian Immigrant and Yearly Calendar, Newspaper Printery of Newspaper New World, New York, 140 East Fourth Street, 1913 edition, 1 copy. New World, April 30, 1918, and May 1, 1918, 1 copy. Revolutionary Russian paper, 2 copies. Weekly New Era, published in Moscow, Russia, dated November, 1910, 1 copy. Pacific Ocean (newspaper), March 13, 1916, San Francisco, Calif., 1 copy. Semimonthly magazine devoted to help public teacher in his problem of teaching. Voice of Labor, weekly newspaper, edited in New York. 586 East One hundred and fortieth Street, 1 copy. A few leaves of Jewish magazine "The Big Stick" Journal of Humor and Satire, 20 East Broadway, N. Y., 1 copy. A few pictures clipped from papers, mostly of Russians.

SUMMARY AND RECOMMENDATION.

The record in this case shows that the man under arrest is an alien, a native of Holland, 46 years of age; that he came to the United States May 14, 1894, landing at the port of New York, ex S. S. *Maasdan*; that he returned to the old country in July, 1900, returning in September the same year through the port of Boston.

Snellenberg's arrest was due in part to an investigation which was conducted by this service concerning one John Clerc, bureau file No. 54517/19. Snellenberg was very much interested in this man's case and also in the case of Leon Morel, bureau file No. 54517/20. In connection with the investigation, Mr. Snellenberg was asked if he would come to the immigration office, and on being interviewed he stated, "this Government needs me more than I need the Government." Thereupon he was asked if he had any objections to an officer going to his home and looking over his effects; he stated that he had no objections. A search revealed a large quantity of literature of an anarchistic nature. When the officer attempted to take some of this literature away, one of Snellenberg's boys objected, stating that he was making a study of same and had not completed it. A list of books, pamphlets, magazines, etc., found at the time Snellenberg's home was searched, is attached to the record.

At the time he was first interviewed, Snellenberg insisted that he was a citizen of the United States, having taken out naturalization papers at Boston shortly after his arrival in this country; at the time of the hearing on the warrant he admitted that he was not a citizen as he had never taken out his final papers. He stated, further, that he was married in January, 1902, to the woman with whom he is now living, and that his views along political and socialistic lines were in accord with the views held by his wife along the same lines.

Mrs. Snellenberg has for a number of years been actively and prominently associated with all radical movements in this vicinity. She has collected money for the defense of I. W. W. prisoners, and has gone on the bond of a number of persons arrested because of their anarchistic activities; several years ago she was signer on the bond for the release of Becky Beck, bureau file No. 4250/21, at which time this woman was charged with being an anarchist. She also went on the bond of Sam Sadler, who was cob-

victed in this city recently under the espionage act; she has called at this office frequently and visited with a number of anarchists who were arrested by this service about a year ago. She is well acquainted with and a frequent caller on Ephim Kertz, bureau file No. 54235/102, and Annidale Scialdo, bureau file No. 54235/110. Mrs. Snellenberg admits that she frequently resides at Home Colony, a community on the shores of Puget Sound, composed of believers in anarchy and free love; and she is acquainted with practically all the members of this community. She and her children, as a rule, spend their summer vacations at this place. Mr. Snellenberg also has spent considerable time there and his brother owned a home there.

Mr. Snellenberg was asked the direct question whether or not he was an anarchist, and stated "since a number of years have I ever believed in it." However, it will be noted that Witness Sullivan testifies (p. 20, his examination), that Snellenberg stated that he had read considerable anarchistic literature and had discussed such subject with his friends Morel and Clerc; and that he (Snellenberg) termed himself a philosophical anarchist. Snellenberg has not denied that he made such statement nor has he offered any testimony or evidence to disprove it. He was very evasive when questioned as to whether or not he had subscribed funds for the defense of Alexander Bergman and Emma Goldman. He admits being a subscriber to the newspaper known as *The Blast* and the *Mother Earth*, both anarchistic publications. He refused to state whether or not he believed in the present form of United States Government, and when asked as to whether or not he believed in changing the form of this Government, by the ballot, he replied: "Perhaps by ballot; perhaps by other ways"; and as to whether or not he believed in the use of the ballot he stated: "I am not using the ballot; it may be good for some."

A reading of the record in this case will show that both Snellenberg and his wife have been very active in the cause of anarchy, and that from all indications it would appear that they are bringing up their children in such a way that they can hardly turn out to be other than believers in and advocates of anarchy.

After considering the testimony adduced in this case, I find that Alex Snellenberg is an alien, a subject of Holland; that he last entered the United States in September, 1900, through the port of Boston. I find that subsequent to such entry he has been found advocating or teaching anarchy and further that he is in the country in violation of the act approved October 16, 1918, in that he is affiliated with an anarchistic organization—The Mutual Home Association—and I respectfully recommend that he be ordered deported to the country whence he came, and of which he is a citizen or subject, in conformity with law.

THOS. M. FISHER, *Immigrant Inspector.*

MAY 19, 1919.

In re Alex Snellenberg, aged 46; native and subject of Holland; Dutch race; entered presumably at Boston, Mass., in September, 1900.

Memorandum for the Acting Secretary.

The above-named alien was arrested at Seattle, Wash., on the grounds that he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; and that he was an anarchist or person who at the time of his entry believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials.

This man states that he first came to the United States in May, 1894, landing at the port of New York; that he lived here until July, 1900, when he returned to the old country and again came here in September of the same year, through the port of Boston. The record shows that his arrest arose as a result of his connection and concern in the proceedings against one John Clerc (file No. 54517/19). His house was then searched, with the result that a large quantity of literature was found, the vast majority of which was radical and anarchistic. The record shows that when first questioned at the immigration office at Seattle by Inspector Fisher, in the presence of George J. Sullivan, a sergeant in the Military Intelligence, Snellenberg admitted that he was what might be called a "philosophical anarchist." Snellenberg has a wife and three boys, the latter all being American citizens. He conducts a sheet-metal business of his own in Seattle, and was engaged, it is said, on Government contracts during the war. Both Mr. and Mrs. Snellenberg have been very actively associated with radical movements and radical people in and around Seattle. They are frequent visitors at the Home Colony, located on Puget Sound, practically all of the members of which are anarchists. They have also interested themselves in certain I. W. W. cases at Seattle,

where proceedings have been instituted by the bureau. An examination of the list of literature in Snellenberg's home will show that a part of it was the Mother Earth publications by Emma Goldman and Alexander Berkman. There is nothing, however, in the record to indicate that Snellenberg has taught anarchy by word of mouth or has distributed any literature. He is undoubtedly radical, and at his examination made the following answers to questions put to him:

Q. Are you what they call a philosophical anarchist?

A. I don't know.

Q. Do you believe that an anarchistic government is ideal?

A. No, sir.

Q. Do you believe in the present form of government?

A. I always believe that any government can be improved upon.

Q. Do you believe in the present form of government?

A. What do you mean by present form?

Q. The present existing form of government.

A. They are continually changing. They are continually changing everywhere.

Q. Then you don't believe in the present existing form of government?

A. I believe they are continually changing.

Q. Do you believe in overthrow?

A. No, sir.

Q. How would you accomplish your end?

A. By simply finding out where the government is at fault and advocating the changes.

Q. By force?

A. Not necessarily; by simply spreading ideas that might reform it.

Q. How? By force or ballot?

A. Perhaps by ballot. Perhaps by other ways.

Q. Do you believe in the ballot?

A. I am not using the ballot. It may be good for some.

This man has lived here, with the exception of two months, since 894, and yet has not seen fit to become a citizen of this country. His answers to the above questions indicate his radical ideas as to government. While he has practically admitted that he is a philosophical anarchist, it appears that the warrant of arrest issued in July, 1918, and the charges therein contained are not technically suited to cover his case, the present anarchy act not then being in existence.

As this man has a family here and his deportation would impose considerable hardship upon them, the bureau is of opinion that final action in the case should be deferred for a further period of six months, the alien to be released upon his own recognizance with the understanding that he will report at intervals of three months to the Seattle immigration office as to his conduct and occupation. He has been at large under bond since his arrest in July of last year.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE,
Acting Secretary.

SEATTLE, WASH., June 17, 1919.

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.

SIR: I am in receipt of your letter of the 10th instant offering to release my bond and let me go on my own recognizance, providing I would report to you every three months, personally if practicable, as to my "occupation and conduct."

I have been a metal worker for more than 30 years, have been in business here for 12 years as a sheet-metal contractor, and am president and general manager of the Occidental Sheetmetal Works, a corporation organized under laws of the State of Washington. My home address is 1715 Bradner Place, a home which we owned until these proceedings have threatened our ownership of it.

I have lived there for more than 10 years past.

In the future, barring the unexpected, my occupation and conduct and residence will be the same as it has been these last 10 years or more.

All these facts are known and have been known to you.

I have never done a dishonorable act, settled any dispute by violence, nor have I ever been brought in court for transgressing the law.

I work, pay my debts, and take care of my family. For more than 25 years I have, by hard work, contributed my share toward increasing the wealth of this Nation, never asking for any consideration or remuneration.

I therefore can not conscientiously sign this agreement, for it is a humiliation and degradation to me. It implies that my conduct is something under suspicion and that in addition to almost ruining my business and stand in the community, as you already have by your ridiculous accusation against me, I am now to be humiliated and mortified by "reporting" to you.

I have done nothing wrong. I am absolutely innocent of the charges against me. I have never preached or advocated violence. Am a firm believer in the degrading influence of violence in all forms.

Your entire proceeding against me has been persecution in which you have practically ruined my credit and business, and I can not now submit to the disgrace and humiliation you seek to force upon me. You have wronged me; I have not wronged you. It is you who should seek my pardon and forgiveness for the wrongs done me. This last proceeding adds insult to injury, and I decline to sign it.

Respectfully,

A. SNELLENBERG.

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER,
Seattle, Wash., June 19, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

This will acknowledge receipt of bureau letter of June 4, 1919, No. 54517/23, advising that by direction of the Acting Secretary further action in the case of alien Alex Snellenberg is deferred for a period of six months, said alien to be released upon his own recognizance, with the understanding that he will report to this office at intervals of three months as to occupation and conduct.

Under date of June 10, 1919, Mr. Snellenberg was advised of the contents of bureau letter above mentioned. For the bureau's information I am inclosing herewith copy of letter addressed by Snellenberg to this office under date of June 17, 1919, in which he refuses to comply with the conditions incident to his release upon his own recognizance.

Until receipt of instructions from the bureau, the \$2,000 bond furnished by this alien for his release will remain in effect.

HENRY M. WHITE, *Commissioner*.

June 26. Let the bond stay in force. A. W. P.

JUNE 26, 1919.

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.:

The department acknowledges the receipt of your letter of the 19th instant, No. 35012/656, reporting that the alien Alex Snellenberg refuses to comply with the conditions incident to his release upon his own recognizance. In view of this fact, he may be permitted to remain at large under the \$2,000 bond furnished by him under date of July 31, 1918, and the department's order of June 4 last, canceling said bond is hereby withdrawn.

ACTING SECRETARY.

Exact copy assigned by John W. Abercrombie.

THOS. R. HORNER, LAWYER,
Seattle, Wash., January 15, 1920.

Hon. LOUIS F. POST,
Bureau of Immigration, Washington, D. C.

MY DEAR MR. POST: Perhaps you will remember that last June I called upon you, Mr. Abercrombie, and Gen. Caminetti relative to this case.

Prior to this visit the department had reversed the recommendation of the local inspector, Mr. Thos. Fisher, recommending immediate deportation and released Mr. Snellenberg on bond, providing he would report his whereabouts every six months to the local office.

Inasmuch as Mr. Snellenberg has lived a blameless life for many years in this country, has a wife and three children, and a reputation for honesty that is above reproach, he felt, and I think justly, that he is entitled to an unconditional acquittal. As

a result of his decision he still is required to pay large interest on the \$2,500 collateral he put up to get his bail from the bankers, and this is quite oppressive. I also wish you to remember that I explained that Mr. Fisher and Mr. Snellenberg were far from being friends.

I can not add to what I have already said to you heretofore; that I regard the entire proceeding as a mistake and that Mr. Snellenberg should have never been arrested and that he should be released. With kind regards, I am,

Very truly, yours,

THOS. R. HORNER.

THE CITY OF SEATTLE,
LEGISLATIVE DEPARTMENT,
Seattle, Wash., March 20, 1920.

Hon. LOUIS F. POST,
Bureau of Immigration, Department of Labor, Washington, D. C.

MY DEAR POST: I am writing to you concerning the long pending case of deportation against Alexander Snellenberg, of this city, and I hope you will pardon me for plain speaking when I tell you that I can not understand why the bureau will not release him.

It can be truthfully said, without the slightest degree of exaggeration, that Snellenberg is one of the good citizens of Seattle. He has been in America, I believe, about 20 years; has a wife and three children, and owns his own home. Both he and his wife, who was a Russian Jewess, are refined, intelligent, and tenderly sympathetic people. Snellenberg is head, or, at least, was head, of the Occidental Sheet Metal Works of this city, and is a hard working and intelligent man. He works hard all day, goes home to his family, stays there, and the next day repeats the same program. He is an honest and a reliable man, and when he gives you his word you can rely on it. He tells me that the banks have so stated to you in letters, and whether they have or not, it is a fact. If patriotism and solid citizenship is what is sought, he is just the kind of men we should seek, because he works hard and is devoted to the health, education, and standing to his growing family.

During the war he was for the Allies, even before we went into the struggle, and always manifested his feelings against Germany. He was born in Holland.

I can not say more than this, for I can not imagine what you have against this most excellent man nor solve in my own mind why you should hold him, unless it is because he is a single taxer, to which he pleads guilty.

Sincerely, yours,

OLIVER T. ERICKSON.

Noted March 25, 1920. L. J. P.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 25, 1920.

For: Commissioner General of Immigration.
From: Assistant Secretary.
Subject: Alexander Snellenberg, 54517/23.

The warrant of arrest in this case was issued July 19, 1918, on application of the Seattle office.

The alien, having been arrested thereunder, was bailed in the sum of \$5,000; notification whereof was given August 2, 1918. By order of December 27, 1918, his bail was reduced to \$2,000.

The hearing under the warrant did not take place until January 28, 1919. The record was not transmitted to the department until March 7, 1919.

From the record of the hearing it appears that the examination was conducted by Inspector Fisher. His report finds that the alien "has been found advocating or teaching anarchy" and "that he is in the country in violation of the act approved October 16, 1918, in that he is affiliated with an anarchistic organization."

When the record had reached the Bureau of Immigration at Washington it was summarized fairly in a bureau memorandum of May 19, 1919. This memorandum stated that although alien had admitted that he might be called a philosophical anarchist, there was nothing in the record to indicate that he had taught anarchy, either by word of mouth or distribution of literature. A quotation from his testimony was made in the memorandum to show him to be a "radical"—a state of mind which does not come under the ban of any immigration law—which really shows him to be

opposed to anarchistic government even as an ideal and opposed to overthrowing the Government, though favoring governmental changes by "spreading reformatory ideas, perhaps by the ballot, perhaps by other ways." The memorandum closed, however, with a recommendation that final action be postponed for six months, the alien to be released upon his own recognizance with the understanding that he would report at intervals of three months to the Seattle immigration office as to his conduct and occupation.

This recommendation was approved by the department, doubtless as preliminary to complete release.

Indignant at the condition imposed, the alien, who has long held a position of good standing in his community, refused to sign the stipulation. Thereupon, June 26, 1919, he was permitted to remain at large under the still existing \$2,000 bail bond.

On July 2, 1919, a further memorandum to the department was prepared in the Bureau of Immigration. It recommended that the bond "taken in the case of this alien shall be canceled and alien released." This memorandum was not signed by the commissioner general and, consequently, so far as can be learned from the record, was never transmitted by the bureau to the department.

A letter from the alien's attorney, under date of January 15, 1920, addressed to the Assistant Secretary and sent to the bureau for attention, remains in the file unanswered until to-day, when the file comes to the attention of the department through the hereunder letter of March 20, 1920, from the chairman of the city utilities branch of the legislative department of Seattle, Hon. Oliver T. Erickson.

The foregoing statement is placed in the file for the purpose of explaining the departmental letter of this date, of which copies are also attached to the file, and for the purpose of explaining the present action of the department in the case.

Cancel warrant.

LOUIS F. POST,
Assistant Secretary.

MARCH 26, 1920.

THOMAS R. HORNER, Esq.,
Seattle, Wash.

MY DEAR MR. HORNER: Your letter of January 15, 1920, regarding Alexander Snellenberg's case was promptly received and placed in due course for departmental attention. It is with great regret, however, that I am obliged to apologize to you for not making acknowledgment more promptly. The letter did not again come to my attention until yesterday.

It was then brought to my attention by a letter from Hon. Oliver T. Erickson, of Seattle, whose protest caused me to examine the bureau's files. Upon this examination I came to the conclusion that the warrant should be immediately canceled. It was done to-day.

In view of the manifest injustice to Mr. Snellenberg, which the long delay in releasing him from his bail and the continued reflection of such charges upon his reputation must have imposed, I think it only fair to assure him, through you as his counsel, that not only is the warrant upon which he was arrested now canceled and the case closed, but that the official record shows the charges to have been baseless.

Very truly, yours,

LOUIS F. POST,
Assistant Secretary.

MARCH 26, 1920.

DEAR MR. ERICKSON: In response to your letter of March 20, 1920, in the case of Alexander Snellenberg, I have examined the file and find the charges against him to have been unfounded. I have therefore canceled the warrant and notified his attorney, Mr. Horner. This ends the case.

I deeply regret the long delay. While I can not justify it, I hope it may seem to you to be excusable when I tell you that thousands of cases under the immigration laws pass through this department every year and that the records are often, as they were in this case, very bulky. At any rate, I thank you for calling my attention to the case and thereby enabling me to dispose of it in the only way in which, as the record shows, it could be disposed of.

Sincerely, yours,

LOUIS F. POST,
Assistant Secretary.

HON. OLIVER T. ERICKSON,
City Utilities Legislative Department, Seattle, Wash.

PHILOSOPHICAL ANARCHISTS.

As one of the questions relating to the case just quoted pertains to what is called "philosophical anarchists," it is thought that a memorandum of the Assistant Secretary and a digest concerning this subject, the latter evidently prepared by the bureau, will be of interest. They read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, June 10, 1919.

Memorandum.

For: The Secretary.

From: The Assistant Secretary.

Subject: News Release re Boston Anarchist Cases.

The matter hereunder is submitted by the Bureau of Immigration for release. I question the fourth paragraph, which contains a statement of departmental policy prior to the act of 1918. As I remember, the department had not then adopted a policy as to "philosophical" or "Tolstoyan" anarchists, and the act of 1918 was passed, in this particular, to remove the doubt. If the fourth paragraph correctly represents the department's policy prior to that act, the whole should be released. Otherwise the fourth paragraph should be altered or struck out.

I submit the matter for instructions.

LOUIS F. POST.
Assistant Secretary.

Delete paragraph from W. B. W. June 11, 1919.

Noted June 11, 1919. L. F. P.

THE BOSTON ANARCHIST CASES.

Information has been received by the Commissioner General of Immigration that Judge Aldrich, of the district court for the district of Massachusetts, has rendered a decision sustaining the action of the Secretary of Labor in ordering the deportation of the nine anarchists, Luigi Galleani, Giovanni Frizzetti, Giuseppe Solari, Tugardo Montenari, Vincenzo De Lecce, Giobbe Sanchini, Irma Sanchin, Alphonse Fagotti, and Raffaele Schiavina. A copy of the decision rendered by Judge Aldrich has been received by the bureau. The court has sustained the department's view of the law in each and every respect in which attempts were made in these cases, by the attorney representing the aliens to have the law so construed that it would not include the cases of these particular anarchists.

This group of anarchists includes several persons regarded by the Bureau of Immigration as among the most dangerous aliens yet found within the country. Luigi Galleani, the most prominent person in the group, is regarded as the leader among the Italian anarchists throughout the United States, especially in New England. He has for many years been the editor and publisher of a paper called *Cronaca Sovversiva*, which boasted on its title page that it was the principal anarchistic journal in the United States. The other members of the group were identified in one way or another with either the publication or the distribution of the paper mentioned. Most of the aliens have been in the United States for a number of years. Galleani has lived here for about 16 years, having come to this country after escaping to Egypt from an island in the Mediterranean Sea to which he had been banished by the Italian Government for his anarchistic activities in Italy.

All of these aliens claim to be "philosophical anarchists," asserting that they do not believe in and had not advocated or taught the destruction of government by forcible means, but were simply believers in the doctrine that government is an unnecessary institution and had been teaching this doctrine simply as a philosophy.

Even before the act of October 16, 1918, relating to the anarchistic and similar classes, was passed by the Congress the department held that the immigration law was intended to exclude and expel from the United States all aliens who were anarchists, whether they were of the so-called philosophical type or were actually engaged in or advocating destruction by force; but the previous law was limited as to the time within which aliens who became anarchists after entering the United States could be deported, and in suggesting the passage of the later measure the main purpose of which, was to remove this time limitation, the department at the same time asked that the wording and punctuation of the law be so changed as to remove any possibility of

doubt as to the intent of Congress to exclude and expel from the country alien anarchists of any and all descriptions.

The department took the view that those who teach anarchy as a philosophy are just as dangerous as, or perhaps even more dangerous than, the more violent type of anarchists, especially because these "philosophers" are usually men of education and capable of being leaders, because of the insidious and quiet ways in which they can work to spread the dangerous doctrines, with the result that their disciples, often not so well educated and not capable of restraining themselves simply to a view of the "philosophical" side of the matter, usually are inclined to resort to lawlessness and violence with the object of putting into immediate practical operation the "absence of all government and all authority" taught by their philosopher friends and leaders. The Committee on Immigration of the House of Representatives in recommending to Congress the passage of the act of October 16 expressed this same view in no uncertain language, and as the act was passed by both Houses with that report before them it is natural to assume that the legislative branch of the Government has given unqualified approval to the idea. Its soundness is well illustrated by an incident which happened in connection with these very cases. Luigi Galleani, while at large under bond with the department's proceedings pending against him, made a speech at Manchester, Mass., in which, of course, he discussed the theory or philosophy of anarchy. Shortly thereafter a bomb outrage occurred in Manchester, the aliens taking part in it apparently all being blown to pieces in the explosion which they planned to carry out. Of course, it is impossible to say that these particular anarchists obtained solely from the speech made by Galleani the idea of using force in this particular case, but the circumstance that the explosion followed the speech in very quick order and occurred in the very place where the speech had been made is by no means lacking in significance.

Judge Aldrich, after pointing out in his decision that it had been conceded before him in argument that the nine persons ordered deported by the department were anarchists, analyzed the act of October 16, 1918, directing attention to the broad and inclusive nature of its terms and the careful manner in which it was punctuated, and held that Congress, having in that act "declared against all aliens who are anarchists, the declaration must be accepted as meaning that Congress was of opinion that the presence of alien anarchists is offensive to our society and dangerous to the Government, and it must be assumed that the enactment in this respect was based upon the idea that the Government possesses the right to determine who shall be members of its community—a right which may be exercised by all nations and a right which may be exercised both in peace and war."

CASE OF ALBERTO GUARELLO.

A case of interest along the same line, "philosophical anarchists," is that of Alberto Guarello, bureau file 54861/162. In this case, like the Snellenberg case, the alien admitted that he was a "philosophical anarchist." His attorney, in the brief submitted, admitted that the alien had so stated, but then went on to try to qualify that admission. The commissioner of immigration at New York recommended deportation. The facts were fairly set out in the bureau's summary. The commissioner general recommended deportation. After reviewing the record the Assistant Secretary canceled the warrant of arrest without comment. The documents mentioned read as follows:

[Department of Labor, Immigration Service.]

OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

I forward herewith record of hearing in the case of Alberto Guarello, arrested on department warrant No. 54861/162, dated February 12, 1920.

This man is 46 years of age, married, a native of Italy, claims to have resided in the United States 22 years, but has never taken any steps toward acquiring citizenship.

The alien admits that he is a member of the Francisco Ferrer Association, an organization shown by the record to be anarchistic and having as its chief aim the diffusion

of radicalism and terrorism. Furthermore, the alien admits he is a member of the I. W. W., an organization whose doctrines of sabotage and destruction of private property promote anarchy. You will note also that the alien testified (p. 3) that he is a philosophical anarchist.

In my opinion, the charges in the warrant of arrest have been fully sustained. I therefore recommend the alien's deportation to Italy, the country whence he came.

(Signed)

BYRON H. UHL,
Acting Commissioner.

BRIEF OF COUNSEL.

Alberto Guarello.—He had admitted that he is a philosophic anarchist, but he says he believes in law and order and would not try to overthrow the Government of the United States or of any other government by force and violence or by any other means. He is simply an idealist who has visions of the day when everybody will be good merely for the sake of good.

He says, however, that he believes in a police force and in the maintenance of law and order.

Counsel does not believe that he is the kind of person the legislators contemplated having deported when the various deportation acts were passed.

If released and given a chance, counsel believe that the authorities will never again have cause to take him to task. He promises to apply for citizenship papers on being released.

He has a wife and two children, born in America, facts that ought to be taken into consideration.

We respectfully pray that the authorities exercise leniency in this case and release him. He promises that he will never again have anything to do with anarchy. He certainly ought to be given a chance, put on probation, as it were, with the understanding that if he again transgresses, he will be summarily dealt with.

Respectfully submitted.

HENRY MARELLS.
JOS. GANDIELLE.

APRIL 5, 1920.

Memorandum for the Assistant Secretary:

In re Alberto Guarello, age 46; married, wife and two United States born children in United States of America; born, Italy; landed, New York, steamship *Navaralo*, 22 years ago; in detention.

Warrant of arrest issued in usual form and manner in this case, February 12, 1920, and alien accorded a hearing thereunder at Ellis Island, New York, February 25, 1920. No brief has been submitted by counsel for the alien. The alien has taken no steps to become a citizen of this country.

Alien was arrested in Italy before coming to this country for being a liberal radical, locked in jail for five months, after which he says he was released without a trial.

He has been 22 years in this country and has not taken one step to become naturalized. He is next observed in this country as having, in 1908, joined the Gruppo Anarchico L'Era Nuova, from the minutes of the meetings of which (introduced in evidence in this case) it will be seen was anarchistic in act as well as in name. This body met at the office of and conducted the newspaper *Era Nuova*, suppressed by the Government at the beginning of the war. He contributed and made donations to this paper. He remained in this organization until the beginning of the war, when the paper was suppressed, but whether the organization ceased at that time is doubtful, and it is hinted by the examining officer in his findings that the paper, supposedly suppressed when the war commenced, still continued to be printed in secret as late as March, 1919. Alien was at least active in the organization in May, 1915 (see minutes meeting of May 7), and this organization seemed to have been succeeded by the Ferrer Association in October, 1916, with which the alien seems at least equally active.

Alien is next noticed in connection with the Ferrer Association. This body seems to have had a very close connection with the organization referred to in the preceding paragraph. Note reference, page 1, Exhibit D, minutes meeting June 2, 1917. In September, 1917, same exhibit, page 2, minutes meeting September 13, the alien is noted as seconding a motion to dispense money to political victims and general propaganda. Alien seems to have dropped out, as far as the records show, until the fall of 1919, when he again became active, and his dues therein are noted paid to and including February, 1920. He states he didn't ask to see the program of the associa-

tion; that he knew what it was. He then states that he didn't subscribe to the program of the Ferrer Association, but in view of the fact of his former activity in this and other radical associations, coupled with the facts that he joined, paid dues, and got a membership card, wholly refutes any such self-serving declaration.

It is generally obvious that persons are not admitted to associations unless they subscribe to the rules, programs, etc., thereof. Much more careful would an organization of this nature be in regard to a detail of this nature. The exhibits introduced in the case show the Ferrer Association to be decidedly anarchistic from many angles—first, by declaration of their principles in program form, second, by contributing financial aid to radical purposes, third, by subscribing to a great variety of anarchistic and other radical papers, magazines, etc. Alien attended a meeting of the association two days before he was arrested and was placed on a committee on that date. Many declarations and manifestos were taken on warrant from this body or association, and introduced in the case.

Alien says he is a philosophical anarchist. This he states on page 2 to be "a state of society where every man will be so educated that it will not be necessary to impose anything on the people by violence or by laws. That's my ideal." He says that's his principle and belief. This he further amplifies, top page 4, "laws will not be necessary." He says this would be arrived at through "propaganda and education," the usual method pursued by radicals to disseminate their doctrines. Alien's connection with matters of a radical and anarchistic natures seems to be of long standing. His activities show he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States and advocates such doctrine; that he believes in and advocates the overthrow by force or violence of all forms of law; that he disbelieves in and is an opponent of all organized government. This is shown by alien's admissions and by the fact that he joined and subscribed to programs of organizations that all stood for such principles.

The examining officer recommends deportation, in which the acting commissioner at Ellis Island, N. Y., concurs.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of October 16, 1918) and is subject to deportation therefor, this on the grounds, and it is so found, that he is an alien anarchist; that he believes in and advocates the overthrow by force or violence of the Government of the United States; that he believes in and advocates the overthrow by force or violence of all forms of law; that he disbelieves in and is an opponent of all organized government.

The bureau therefore recommends that the department issue its warrant for his deportation to Italy at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel.

LOUIS F. POST,
Assistant Secretary.

ERNEST A. MAY DEPORTED TO CANADA AND BROUGHT BACK.

A person with a sense of humor should appreciate the case of Ernest A. May, bureau file 54717/11. In this case the alien was ordered deported to Canada, he being a citizen of that country. A warrant of deportation was issued and forwarded to the field officer at Detroit with instructions to deport the alien to Canada. The Assistant Secretary later decided to reopen the case and issued instructions accordingly, but, before his instructions reached Detroit, the field officer had accomplished the alien's deportation. Upon being advised that the alien had been deported, the Assistant Secretary immediately issued instructions by wire to the field officer to the effect that the alien was to be brought back from Canada and the original deportation proceeding reopened.

CASES OF LASSEFF ET AL.

A memorandum issued by the Assistant Secretary April 20, 1920, is very interesting, it reading as follows:

APRIL 20, 1920.

Memorandum

For: The Commissioner General of Immigration.

From: The Assistant Secretary.

Subject: In re A. Lasseff, No. 54810/964, Bondarenko, No. 54809/871, John Bolson, No. 54860/709.

Under date of April 9, 1920, aliens at Philadelphia charged with being in this country contrary to the act of Congress of October 16, 1918, addressed the following communication to the Secretary of Labor:

"Whereas, for the period of three months of our arrest we were not informed concerning our future destiny:

"Whereas, the majority of us, as the result of arrest, lost their employment, are economically utterly ruined and with no means for livelihood.

"Whereas, many of us have families with small children whose sole supporters we are.

"Whereas, we have committed no criminal offense, except having expressed our deepest devotion to our beloved mother country Russia, from which we were forcibly taken away.

"Whereas, the anger of employers, which is not hidden from us, and the impossibility of remaining at our old posts on account of being under arrest, for the purpose of obtaining work and means for livelihood.

"Therefore, we demand that we either be liberated or immediately deported into Soviet Russia, the country of which we are the citizens. In the first instance, to return the bails put in for us. In the second instance, to deport together with us our wives and children and give us at least 7 or 10 days' notice prior to our departure Submitted.

A. LOSSIEFF,
JOHN BOLSON,
S. BONDARENKO,
Committee on Resolution.

As the only names given are those of the committee who signed the address, theirs are the only cases to which attention can be given at this time. They are A. Lasseff, S. Bondarenko, and John Bolson.

An examination of the Bondarenko file (No. 54809/871) discloses the following facts: On December 12, 1919, a complaint against him (on information and belief derived from personal inquiries and investigations of employees of the Bureau of Investigation of the Department of Justice, by a special agent of that bureau) was made to the Department of Labor, whereupon, on December 29, 1919, a warrant of arrest under the act of October 16, 1918, was issued by the Acting Secretary, bail being fixed at \$10,000. Afterwards reduced to \$3,000, bail was given on February 4, 1920. The alien was thereupon released, having been in custody since January 2, 1920, a little more than one month. At his hearing on January 4, 1920, before an immigration inspector, it appeared that the alien has been in this country since 1913; that he was a member of the Communist Party, and that he was a secretary of one of its branches. The record of hearing did not reach the department until April 19, 1920.

Upon this record it is found that alien was a member of the Communist Party, a proscribed organization within the meaning of the act of October 16, 1918. It is therefore directed that alien be deported solely for membership in the Communist Party.

Examination of the file of A. Lossieff (54810/964) shows that the Secretary's warrant of arrest under the act of October 16, 1918, was issued December 23, 1919, with bail fixed at \$10,000; that the bail was afterwards reduced to \$1,000, which was given on January 5, 1920; that the alien was accorded a hearing before an immigrant inspector on January 5, 1920, and January 28, 1920; that from these hearings it appears that he has been in the United States since 1913; that he has a business of his own (suit cases); that he belongs to the Communist Labor Party, having joined the Socialist Party and remained with his branch after it affiliated with the Communist Labor Party, and that he continued to be knowingly a member of the latter organization. The record of hearing did not reach the department until April 19, 1920.

As the Secretary has not yet decided whether or not the Communist Labor Party comes within the proscription of the act of October 16, 1918, it is directed that action in this alien's case be deferred until the secretary shall have passed upon the legality of the Communist Labor Party.

The file of John Bolson (54860/709) shows that he was arrested by agents of the Department of Justice at a meeting of the Communist Party on January 2, 1920; that a warrant of the Secretary of Labor for his arrest was issued 12 days later (January 14, 1920) upon an affidavit of a Department of Justice agent, dated January 12, 1920, stating on information and belief (based upon personal inquiries and investigations by employees acting under his direction) that the alien was a member of the Communist Party. The alien was accorded a hearing on January 10 at the office of the Bureau of Investigation, Department of Justice, in the post-office building at Philadelphia before an immigrant inspector and a special agent of the Department of Justice, four days before the issue of the warrant of arrest, and on January 15, at the same place but before an immigrant inspector pursuant to the warrant of arrest. On the latter date the division superintendent at Philadelphia of the Bureau of Investigation of the Department of Justice certified that all the evidence available in the hands of his bureau had been submitted. Upon the evidence reported by the immigrant inspector it appears that the alien came to the United States in 1912; that he was a member of the "Russian Benevolent Association," of the "Russian Musician's School," and of the "Technical School of the Soviet Russia," none of which are shown to be within the proscription of the act of October 16, 1918; that he denied membership in the Communist Party, which is within the proscription of that act; that his name appeared in a list of members of that party, but there is no evidence of his having authorized the same; that alien denies membership in the "Union of Russian Workers" and other organizations within the proscription of the act of October 16, 1918, and there is no valid evidence of such membership in the record. The record in this case was transmitted to the Commissioner General of Immigration February 24, 1920, by the commissioner of immigration at Philadelphia. It came for the first time to the attention of the Department of Labor on April 19, 1920, in consequence of the address quoted above. The alien has been in prison ever since his arrest on the 2d of January, a period of more than two months and a half.

The charges in the warrant of arrest not having been sustained the warrant is hereby canceled.

LOUIS F. POST, *Assistant Secretary*

CASE OF SAM CRANE.

The case of Sam Crane, bureau file 54709/511, is one of interest. Crane was born in Canada, was well educated, taught school in Canada for some years, later studying law at Ann Arbor. He crossed the line between Canada and the United States a number of times, and finally, about 1906, settled in the city of Spokane, Wash., and shortly afterwards declared his intention to become a citizen of the United States. Within a short time after obtaining his first naturalization paper he made application to be admitted to the bar in the State of Washington, and at the time he made his application swore that he was then and there a citizen of the United States. He passed the bar examination and was admitted to practice law in that State. He immediately associated himself with radicals of all types, but principally with the I. W. W., and handled many of the legal matters for that organization. He also made public speeches for, or in the interest of said organization. He had many clashes with the city and county authorities, and being a large, strong man and a fighter, he was seldom arrested until after he had been completely overpowered by numbers, in each instance giving a good account of himself in the fight. At one time he started a fight in the court room where he was being tried on some charge, and it took six police officers to control him. The court room was wrecked. When the Communist Party came into existence he sympathized with and entertained their doctrine, still making public speeches.

He was disbarred from practice and enlisted in the British Army, went foreign, and it is reported spent most of his time in the guard-house. He was discharged in 1918 and returned to the United States through the port of New York, proceeding immediately to Spokane, where his wife and daughter had been supported almost entirely by the Red Cross during Crane's absence. After arriving at Spokane he himself asked for and received assistance from the Red Cross, and further assistance was rendered his family after his return. He renewed his radical activities and was finally arrested on a charge of criminal syndicalism. At the time of his arrest nearly 2 tons of I. W. W. sabotage literature was seized in his residence. He had never completed his citizenship in the United States and a deportation proceeding was started in which he was charged with being unlawfully in the United States, not only on grounds growing out of his activities against the Government of the United States, but on the ground that he had admitted the commission of a crime involving moral turpitude, and that at the time of his entry to the United States in 1918 he was a person likely to become a public charge. The "moral turpitude" charge was based on an admission made by him to the effect that he was not a citizen of the United States at the time he made oath that he was such in his application for admission to the bar, the crime being that of perjury. The record of his hearing is voluminous. Many of his radical speeches had been reported by a court reporter employed for that purpose by local authorities. Transcripts of these speeches were introduced in the deportation record after he had examined them and pronounced them correct. He was questioned regarding his beliefs and stated that he believed in changing the Government of the United States. He said, with reference to bringing that change about by the ballot, that he had favored the ballot once, but had gotten over that long ago. He stated that his doctrine was the communistic doctrine and that he had been spreading the same. The record was completed and eventually came to the Assistant Secretary for decision. The warrant of arrest was canceled by his orders.

Documents pertaining to this case read as follows:

SUMMARY AND FINDINGS.

The record in this case shows that Sam Crane, 50 years of age, was born in Canada, and is still a citizen of Canada; that he entered the United States with the intention of taking up a permanent residence in 1905, going to Spokane, Wash., where he located; that August 28, 1906, he declared his intention to become a citizen of the United States, and September 25, 1906, made application for admission to the bar of the State of Washington; that he was subsequently admitted to the bar, and practiced law in the city of Spokane up until 1917, during which time he appeared as attorney for the I. W. W. organization, and members of that organization arrested on various charges; that he also made public speeches on behalf of the organization; that a disbarment proceeding was started, and after a hearing before the State Board of Law Examiners for the State of Washington, held November 22, 1917, Crane was debarred from the practice of law in the State of Washington. He then enlisted in the Two hundred and twenty-third Mobile Company, Royal Engineers, British Army, holding No. W. R. 313370, and after a time in Canada was sent over the sea. He was discharged by the British Army Nov. 29, 1918, and returned to the United States on the steamer *Layland* arriving at the port of New York in December, 1918, proceeding directly to Spokane, Wash. During his army service his wife and child, living in Spokane, were supported almost entirely by charity, through the Red Cross organization, and continued to draw money from the Red Cross organization after Crane returned to Spokane, he, himself, also being assisted by the Red Cross after his discharge from the Army.

The records of the Spokane police department show that from 1909 to 1919, Crane has been arrested periodically on various charges, principally violations of the city ordinances, and in the majority of cases convicted. He was also convicted in the Superior Court at Spokane, Wash., on a charge of slander, date of such conviction being July 14, 1915.

Upon his return to Spokane, Crane again took up his activities in connection with the I. W. W. organization, and continued his policy of public speaking on behalf of that organization and similar organizations, a number of his speeches were reported by a court reporter employed by the Spokane police department. A transcript of these speeches, which Crane at the time of his hearing examined and stated were correctly reported, are made exhibits in this case, and a careful reading of them in my opinion sustains the charge that he disbelieves in all organized government, and that he is an opponent of all organized government. In his testimony, pages 11 and 12, he states that he is a believer and advocator of the communistic system of government, advocated by Karl Marx, and set forth in the latter's communistic manifesto.

In Crane's residence at Spokane a ton or more of I. W. W. literature was seized. A list of the various I. W. W. pamphlets seized is attached to the record and made an exhibit in the case. Among the literature numerous copies of the I. W. W. song book, tenth edition, Joe Hill Memorial; Sabotage by Pouget; Sabotage, by Elizabeth Gurley Flynn; New Unionism, by Andre Tridom, and other extremely radical pamphlets were found.

The fact that such a large number of copies of these books were found in Crane's possession in my opinion is prima facie evidence of the fact that he had same for distribution, in spite of his explanation that same were given him to destroy. The large number of membership books, preamble and constitution, supply blanks, etc., which are continually used by the organization, and which he says were given him with the radical literature for destruction, discredit his story, as it would be equivalent to throwing money away for the organization to destroy supplies which they are continually using. The above-mentioned literature which, as I stated, in my opinion is prima facie evidence that Crane had same for distribution, together with Crane's statements with reference to his belief in and the fact that he had been advocating in favor of the communistic form of government, also supports the charges in the warrant with reference to his disbelief in all organized form of government and his opposition to all organized form of government. The testimony of City Attorney Hooper, called as a witness by Crane; Police Judge Witt, also called as a witness by Crane; Detectives Fordyce and Alderson, called as witnesses by the Government, all support the foregoing contention.

On page 3 of his testimony Crane, in my opinion, admits the charge contained in the warrant to the effect that he had committed a felony or other crime or misdemeanor involving moral turpitude prior to his entry to the United States in that he admits that in 1906 he made affidavit in his application to the Supreme Court of the State of Washington for admission to the bar to the effect that he was at that time a citizen of the United States. As a matter of fact, Crane is not and never was a citizen of the United States. He had declared his intention to become a citizen of the United States one month prior to the time he made the affidavit in court. He testified that he had studied law at Ann Arbor, Mich., prior to that time; that he was qualified to pass the bar examination, and did pass it, and he must, therefore, have known that a declaration of intention to be a citizen of the United States did not in any manner confer citizenship upon him. In my opinion he deliberately committed perjury at the time he secured his admission to the bar, and he unquestionably admits that act of perjury in his testimony on page 3.

Crane is a man above the average in intelligence and a forcible talker who unquestionably carries great influence among the radicals with whom he associates and a dangerous man to have spreading the doctrine which he has been spreading in the United States.

After carefully considering the testimony adduced in this case, I find Sam Crane to be an alien, a citizen of Canada; that he entered the United States through the port of New York on the steamship *Lapland* December, 1918; that he is a disbeliever in all organized government; that he is an opponent of all organized government; that he admits having committed a felony or other crime or misdemeanor involving moral turpitude prior to his last entry to the United States, and that he was a person likely to become a public charge at the time of said entry. I therefore recommend that he be ordered to the country whence he came or of which he is a citizen and subject in conformity with the law.

THOS. M. FISHER, *Immigrant Inspector.*

MARCH 26, 1920.

In re Sam Crane, aged 50; native of Canada; British subject; last entered the United States at New York, per S. S. *Lapland*, about December, 1918. Confined in jail at Seattle, in default of bond in the sum of \$2,000.

Memorandum for the Assistant Secretary:

Departmental warrant issued in this case November 26, 1919, pursuant to the acts of October 16, 1918, and October 5, 1917, it being alleged that he disbelieves in all organized government; that he is an opponent of all organized government, has been convicted, or admits having committed a felony or other crime or misdemeanor involving moral turpitude prior to his entry into the United States, and that he was a person likely to become a public charge at the time of his entry. He was accorded a hearing under the above-mentioned warrant at Spokane, Wash., December 3, 1919. Alien is an attorney at law, and conducted his own defense.

The record discloses in this case that the above named, Sam Crane, came to the United States from Canada about 1903, and lived in this country the greater part of the time from that time up to and until about 1917, when he enlisted in the British military forces, at Spokane, and returned to Canada, prior to embarking for service overseas. He is married, and has a wife and an American born child aged 10 years. His wife is a citizen of Canada, and both she and the child are living in Spokane. It appears that during his military service his wife and child received considerable assistance from the Red Cross organization.

The record further discloses that alien declared his intention to become a citizen of the United States in August, 1906, and one month later applied for admission to the bar, State of Washington, and was later admitted and practiced law in the city of Spokane, until 1917, and that in November, 1917, he was disbarred from the practice from the practice of law in the State of Washington; that, when he applied for admission to the bar, he made a fraudulent affidavit that he was a citizen of the United States; and, further, that during his residence in the United States prior to 1917, and subsequent to his return thereto in 1918, alien has been frequently arrested on various charges, principally disorderly conduct, and in most cases was convicted; that on June 23, 1919, he was arrested at Seattle (Spokane) on the charge of criminal syndicalism, and on July 2, 1919, was found guilty, and appealed, the appeal, so far as the record discloses, being still pending, and alien released on bail in the sum of \$2,800.

Alien admits that, at the time of his last-mentioned arrest, there was found a great quantity, about a ton, of I. W. W. literature, explaining that this literature had been taken from the I. W. W. by the United States Government, and that as the organization was paying storage charges on it, an officer of the organization suggested that he take it to his home for use as fire kindling, etc., inasmuch as the organization had directed that it be burned. He also admits that he has given away some of the literature (I. W. W. song books).

Witness M. M. Anderson, police officer, testified at the hearing that he was present when alien was being tried for criminal syndicalism about July 1, 1919; that, taking the stand in his own behalf, alien, in answer to questions put by the prosecuting attorney, made a statement in regard to the revolution, and when asked if he meant by ballot, testified that he did not, that he was foolish enough to do that at one time, but not any more. (The inference here is plain that he advocates force and violence. Witness Anderson appears to have made a stenographic memorandum of alien's testimony at the trial, and Anderson's testimony is corroborated by another police officer, who also appeared as a witness at the hearing.)

The police judge who officiated at the trial was also called as a witness but could not recollect this particular testimony, while the prosecuting attorney, appearing as a witness at the hearing, testifying from his recollection, stated that the officer's statements were correct, at least in part—that he could not recollect positively all of the testimony on this particular subject.

Transcripts of a number of alien's radical speeches were introduced at the hearing and they will be found attached to the record, he having stated that same were, in general, true transcriptions.

The examining inspector recommends deportation, which recommendation is concurred in by the commissioner at Seattle.

The record in its present shape does not, in the bureau's opinion, contain sufficient evidence to sustain the first charge in the warrant, i. e., that alien is an opponent of all organized government. Nevertheless, considerable damaging testimony tending to establish this charge is introduced, consisting principally in the testimony of the two witnesses who testified as to alien's statements, to wit, that he no longer believed in the efficacy of the ballot, or that he used to be so foolish as to entertain that view, any longer; or, in substance at least, and in other words, that he advocates force and

violence; his statement to the effect that he indorses the communist manifesto by Carl Marx; his admission that he gave (or distributed) the Joe Hill memorial edition of the I. W. W. song book; his speeches and continued activities all going to show that he is a radical of the extreme type. Only the covers of the song book, Joe Hill memorial edition, were introduced as evidence at this hearing. It is possible that a complete exhibit of that edition might, in view of its distribution by alien, be sufficient to sustain the charge under discussion.

It is likewise held by the bureau that the evidence presented does not substantiate the second charge contained in the warrant, viz., that he has been convicted, or admits having committed a felony or other crime or misdemeanor involving moral turpitude prior to his entry into the United States.

The bureau is of the opinion, however, that the third clause—that he was a person likely to become a public charge at the time of his entry—has been clearly and definitely established. This, in view of his police record during the time of his prior residence in this country, which shows that, on account of his radical ideas and general disregard for law and order, he was periodically arrested and in continual conflict with the laws of the community in which he resided, the same conditions prevailing following his last arrival in December, 1918, all of which, when considered in connection with all of the other facts mentioned in this memorandum, shows that alien was clearly a person who should have been excluded at the time of arrival as a person likely to become a public charge.

The bureau, therefore, finds that this alien is in the United States in violation of law (act of Feb. 5, 1917) and is subject to deportation therefor, this on the ground, and it is so found, that he was a person likely to become a public charge at the time of his entry into the United States.

It is therefore recommended that the department issue its warrant for his deportation on that ground, such deportation to be to Canada at Government expense.

A. CAMINETTI, *Commissioner General.*

Deport:

Cancel as to all charges but l. p. c. (meaning likely to become a public charge). Suspend proceedings until judgment of State courts on appeal, meanwhile "relevant" (meaning release on his own recognizance).

LOUIS F. POST, *Assistant Secretary.*

[Department of Labor. Telegram.]

SEATTLE, WASH., April 2, 1920.

IMMIGRATION BUREAU,
Washington, D. C.:

Bureau telegram to-day. Case Sam Crane. State charge against him dismissed; account dismissed State charge. Advise as to release.

SARGENT.

(9.30 a. m., Apr. 3.)

APRIL 8, 1920.

(54709/511.)

In re Sam Crane.

Supplemental memorandum for the Assistant Secretary.

The facts in this case are recited at some length in the bureau's memorandum of the 26th ultimo. You directed at that time that the warrant be considered as canceled as to all charges but one, viz: That the alien was a person likely to become a public charge at the time of his entry. You further directed that the proceedings be considered as suspended pending determination of the alien's case in the courts, where it was then pending. A telegram has now been received from the Seattle office advising that the charges against the alien have been dismissed in the State court. As this presumably ends the case, in so far as the courts are concerned, the alien is now in the hands of the immigration authorities by virtue of the outstanding administrative warrant for arrest.

The continued presence in the United States of this alien, who seems to be dissatisfied with our form of government, would, according to his past history and his apparent indisposition to alter his views and confine his activities to lawful channels, be decidedly inimical to the best interests of the Government and to the peace of any community in which he may reside or to which he may go.

The bureau again recommends that the department issue its warrant for the deportation of this alien on the ground that he was a person likely to become a public charge

at the time of his entry. It is believed that the facts and circumstances amply support such a finding.

A. CAMINETTI, *Commissioner General*.

Deport.

The charges against alien for criminal syndicalism having been dismissed on appeal, the warrant herein is canceled.

LOUIS F. POST, *Assistant Secretary*.

APRIL 13, 1920.

The position of the Department of Labor with regard to alien members of the I. W. W. organization is not taken up in this report. Your investigator finds that for some reason alien members of this organization are not often deported. Particular cases with the papers in connection are ready to be presented if it is desired by the committee.

The CHAIRMAN. As a result of previous inquiries another sub-committee has asked for copies of papers in the cases of Alexis Georgian, Andrechtyne, Ross McGregor, and several others.

Mr. BLACKWOOD. Yes; the copies are ready.

The CHAIRMAN. They will be taken up later.

Mr. BLACKWOOD. It might be well to inform the committee that at the time of making this statement the Secretary of Labor has not ruled as to the status of alien members of the Communist Labor Party. Many such cases are pending.

Cases of admission under bond or parole of hundreds of feeble-minded aliens have not been presented in detail but can be presented in a supplementary report if desired.

Lists of additional cases of the types mentioned in this report are attached hereto with descriptive headings.

The CHAIRMAN. The report and documents presented by Mr. Blackwood will be printed as a hearing and presented to the full Committee on Immigration and Naturalization for the information of its members and for the information of the Members of the House of Representatives.

APPENDIX A.

Alleged anarchist cases in which Assistant Secretary ordered stay of deportation for stated periods as shown below.

Case number.	Stay.	Case number.	Stay.
54809/704...	6 months (bond).	54861/138...	Released on recognizance until further order.
54810/558...	6 months (alien paroled).	54859/551...	Do.
54859/580...	3 months.	54861/323...	3 months (bond).
54811/729...	8 months (released meanwhile).	54861/261...	Do.
54860/14...	3 months (released meanwhile).	54859/660...	Do.
54860/961...	Do.	54859/956...	Do.
54860/494...	3 months (bond).	54800/291...	Do.
54860/384...	3 months.	54859/897...	Do.
54860/351...	3 months (personal recognizance).	54809/93...	Do.
54860/788...	3 months (bond).	54861/213...	Do.
54709/757...	3 months.	54859/922...	3 months (personal recognizance).
54700/759...	30 days (bond).	54709/297...	3 months.
54709/760...	Do.	54859/162...	3 months (bond).
54859/563...	2 months.		

*Cases in which no review by bureau or memoranda submitted by commissioner general.
Warrant canceled by Assistant Secretary.*

Case No.	Date canceled.	Assistant Secretary's comment.	Case No.	Date canceled.	Assistant Secretary's comment.
54860/785	Apr. 5, 1920		54860/788	Apr. 4, 1920	Alleged Communist.
54860/782	.....do.....	Communist.	54861/287	.....do.....	Alleged Communist, labor party.
54860/820	.....do.....	Do.	54860/749	.....do.....	Alleged Communist.
54861/60	.....do.....	U. of R. W.	54861/144	.....do.....	U. of R. W.
54860/860	.....do.....	Alleged Communist.	54860/791	.....do.....	Do.
54860/756	.....do.....	Do.	54709/149	Apr. 2, 1920	Alleged Communist.
54860/952	.....do.....	Do.	54860/917		
54860/868	.....do.....	Do.	54861/3		
54860/917	.....do.....		54709/743	Apr. 2, 1920	Alleged communist.
54861/3			54861/287	Apr. 5, 1920	Alleged communist, labor party.
54810/22	Apr. 2, 1920	Alleged Communist, stay of proceedings 3 months. Inspector in charge be in- structed to report at end of that time, and alien released meanwhile on \$1,000 bond.	54809/959	.....do.....	Stay proceedings 6 months, inspector in charge to be in- structed to report at end of that period.
54860/781	Apr. 5, 1920	Alleged Communist.	54861/277	Apr. 6, 1920	U. of R. W.
54860/788	.....do.....	Do.	54809/958	Apr. 5, 1920	Alleged communist.
54809/959	.....do.....	Stay proceedings 6 months. Inspector in charge to be in- structed to report at end of that period.	54860/24	.....do.....	
			54859/425		
			54861/263		
			54811/994		
			54860/718		
			54709/336		

WARRANTS CANCELED—ALIENS RELEASED.

The following is a list of cases, including file number, of aliens arrested for violation of the act of October 16, 1918, in which the evidence adduced supported the charge, namely, that they belonged to one of the organizations coming within the scope of said act; and in which the examining inspector recommended deportation, his superior officer concurring; the Commissioner General of Immigration, after reviewing the record, recommended that the department issue a warrant of deportation; the record then going to the assistant secretary, who canceled the warrant of arrest and ordered the alien released from custody, without comment.

Name.	No.	Name.	No.
Kazimieras Shrivinskas	54861/218	Anton Kaczinski	54811/778
Andrew Framich	54859/745	Sergis Zaykoff	54810/168
Joseph Kapec	54860/45	Mike Fryhoda	54809/528
John Flezia	54709/883	Adam Szymanski	54811/739
Elia Korenewsky	54809/51	Evan Pagnucack	54811/945
Samuel Misnik	54860/882	Nikolai Bielecki	54709/845
Juzopas Joisris	54861/204	Luras Kohan	54859/996
Nickilor Drodg	54859/758	Mike (Mijo) Vrevich	54860/491
Joseph Shalich	54860/48	Juozos Zibrickas	54861/226
Wall Karchun	54859/432	Joseph (Joe) Dorich	54860/42
Ignac Kovach	54810/678	Martin Marczewski	54859/620
Joseph Tkachuk	54859/683	Paul Petrusanee	54861/107
Morris Schnipman	54879/526	Fred Huk	54860/9
J. Bendoravicius	54859/903	Wasily Samosuk	54859/749
J. Mikolajczak	54809/65	Maxim Petorash	54859/770
Joe Peokdchik	54859/633	George Jasinski	54859/792
John Bilows	54861/77	Esther Berman	54379/27
Kasimir Sosnowski	54859/650	Jakim Makohon	54809/506
Pimen Polansky	54809/837	Christanf Romanuk	54859/661
Semion Konevich	54709/069	Paul Hamiter	54860/23
J. Grinkevich	54709/040	John Rajkov	54861/188
Joseph Fedorovich	54809/448	Wasyl Hutnik	54860/339
Sami Kritten	54809/486	Paul Rusec	54860/903
Matyva Snabick	54860/340	Feodor Barashko	54709/662
Jurgis Petrikenas	54861/214	John Krisow	54809/484
Konrad Znaydno	54709/665	Konstanty Jankowski	54859/557
Sergius Dakimuk	54810/28	Alex Chepeka	54709/660
Boris Koshko	54860/925	Nick Kosek	54809/477
Nick Zamry	54809/840	Tomasz Kosak	54860/707
Franciszek Kosniz	54859/946	Stanley Kolowski	54859/438
Alexander Savage	54859/649	Peter Samodunoff	54709/041
Sauva Moroz	54709/664	Albert August Erdman	54859/145
Mike Siretsky	54859/668	Steve Nomansky	54860/719
Joe Furick	54861/2	Nicholas Lednik	54809/493
Mike Korenchuk	54859/465	Elia Touralchuk	54809/559

Name.	No.	Name.	No.
Wladislaw Wojtalik.....	54860/625	Josef Robak.....	54859/810
E. Kaluga.....	54809/467	James Edward Smoleroff.....	54709/755
Mike Sovak.....	54859/169	Anthony Uglick.....	54709/657
John Buczynski.....	54859/703	Joe Will.....	54859/790
Nikifor Ivanstchenko.....	54809/828	Jonas Walksmoras.....	54861/225
Frank Kruger.....	54859/717	Maz Posenick.....	54859/936
Stanislaw Gawalek.....	54859/954	Speredon Chernij.....	54869/725
Eftuck Okoshuk.....	54811/750	Louis Oroby.....	54860/943
Makary Falachuk.....	54860/974	Alexander Griechuk.....	54859/773
Wilan Wilkanzky.....	54859/896	Wasily Medisky.....	54811/941
Mike Olerachyk.....	54859/798	Martin Turchanyi.....	54811/760
William John Millars.....	54859/733	Teodor Krowczyk.....	54860/493
S. Nanmovetz.....	54860/344	Foma Beredsuk.....	54811/591
Gregory Lysak.....	54859/729	Morris Weinraub.....	54810/997
John Griskevich.....	54860/360	Joseph Niedzielski.....	54859/921
Jan Krawczynszyn.....	54639/34	Zahari Orichuk.....	54809/360
Peter Rovenchuk.....	54859/732	Ona Tamanauskas.....	54861/223
Pallas Smailys.....	54859/739	Konstantin Kokotliwy.....	54859/975
Frank Brodowicz.....	54859/728	W. Irbe.....	54860/389
Anthony Mishkovich.....	54809/228	George Cerise.....	54860/112
John Pyeel.....	54859/636	Tony Blaciach.....	54811/963
Povilas Tamanauskas.....	54861/224	Gregory Chechat.....	54860/33
Joseph Orabka.....	54811/728	Stefan Dergant.....	54860/966
Solomon Bosin.....	54809/422	Aftanas Kospoud.....	54810/577
Jacob Thompson.....	54859/685	Boris Bernard Aronoff.....	54859/121
Ignacy Fery.....	54861/42	Mike Derra.....	54860/552
John Ambrus.....	54809/616	Milos Polynasky.....	54810/632
Jurgis Czegus.....	54860/658	Gjuro Andros.....	54810/506
Neum Supranski.....	54859/674	Vincent Zorowski.....	54859/737
Feliz Szenura.....	54859/783	Louis Selybi.....	54861/283
John Szalay.....	54809/591	Alex Hurros.....	54859/173
Evan Rilka.....	54709/656	Pusan Basarich.....	54809/139
Frank Makas.....	54859/732	Gregory Polik.....	54860/63
Wladyslaw Jankowski.....	54809/466	John Kiss.....	54859/606
Victor Wardzinkewicz.....	54859/667	Edwin Lecher.....	54709/634
Iven Poliszuk.....	54860/900	Theodor Nikituk.....	54860/574
Vladimir Lisuk.....	54859/742	Joe Makowiecki.....	54709/966
Kastotas Taltumas.....	54860/876	Vasil Lavrichuk.....	54809/487
Julian Rutzinsky.....	54859/986	Dimitry Dvorak.....	54860/855
Anthony Furman.....	54859/377	Nathan Breskin.....	54860/826
Joe Caryn.....	54859/343	John Lewkuc.....	54809/466
Alexander Gorski.....	54809/455	Jacob Bowman.....	54811/482
Julian Koren.....	54859/391	Kohorny Andruschuk.....	54859/845
Semo Mrnos.....	54709/734	Jos Rive.....	54811/946
John Popka.....	54709/146	Watzlaw Chapla.....	54859/781
Stanley Monkiewicz.....	54859/858	Danail Acheff.....	54709/611
Paul Andres Luder.....	54861/249		
Matd Stipcich.....	54860/368		
		Total.....	164

Cancellations of warrants by the Assistant Secretary in cases where the field officers and the bureau recommended deportation.

No.	Name.	Date.	No.	Name.	Date.
54811/553	Victor Kasparunas.....	Apr. 14, 1920	54809/122	Wyace Boachuk.....	Apr. 16, 1920
54811/560	Kazimer Blnkos.....	Apr. 15, 1920	54860/675	Mike Machenke.....	Apr. 6, 1920
54860/650	John Akelaitis.....	Do.	54811/247	Marie Friedman.....	Apr. 16, 1920
54859/473	Frank Kofka.....	Do.	54860/685	Kozys Stratucius.....	Do.
54861/120	Catharine Hartog Bloom.....	Do.	54860/666	Peter Bubal.....	Apr. 6, 1920
54859/466	John Kawalski.....	Apr. 16, 1920	54860/670	Eva Lapeno.....	Apr. 17, 1920
54809/298	John Androchuk.....	Apr. 15, 1920	54709/962	Joseph Budris.....	Apr. 16, 1920
54809/560	Paul Towkach.....	Do.	54859/323	Feodosy Matzipluk.....	Do.
54859/242	Chariton Dubina.....	Do.	54860/176	Timofey Kuhareako.....	Do.
54811/575	Anton Janusas.....	Apr. 13, 1920	54810/698	Philip Bilinsky.....	Do.
54860/688	Mike Sowochnick.....	Apr. 8, 1920	54859/473	Mike Malchewski.....	Apr. 15, 1920
54860/649	Anton aklatis (Akalatis).....	Apr. 15, 1920	54859/371	Clara Markell.....	Apr. 17, 1920
54861/197	Morta Akelsaitine.....	Do.	54859/491	Joseph Flchuk.....	Do.
54859/470	Joe Stolik.....	Apr. 16, 1920	54859/280	Mollie Perlman.....	Apr. 20, 1920
54859/472	Lookis Kozaced.....	Apr. 15, 1920	54860/332	Victor Page.....	Do.
54811/603	Paul Roxansky.....	Do.	54859/489	Julius Timosherich.....	Apr. 16, 1920
54860/97	Fanny Bayer.....	Apr. 15, 1920	54809/36	Joseph Gradishko.....	Apr. 15, 1920
54861/219	Texla Stakontuto.....	Do.	54810/922	Richard Mayer.....	Apr. 19, 1920
54810/762	Sam Lagransky.....	Do.	54811/827	Mischa Biderman.....	Apr. 17, 1920
54811/528	Mrs. Selma Nelson.....	Do.	54860/754	Gregory Rabakan.....	Apr. 19, 1920
54811/903	Peter Kulokoski.....	Apr. 3, 1920	54861/78	Ignatz Kislow.....	Apr. 17, 1920
54861/139	Mary Kochanski.....	Mar. 30, 1920	54810/4	Benedict Salaveickas.....	Apr. 19, 1920
54860/681	Ray Valentas.....	Apr. 16, 1920			

¹ Stay proceedings 3 months. Inspector in charge report at end of that period.

² Examining officer makes no recommendations.

³ Examining inspector and inspector in charge make no recommendations.

MISCELLANEOUS CASES.

- 54859/543.
54809/254. (Bureau recommends decision this case be held in abeyance six months. School for technical aid for Soviet Russia.)
54859/728.
54810/814.
54859/881. (Examining officer and acting commissioner at Boston recommended cancellation. Commissioner general recommended he be deported.)
54809/674. (Examining officer and commissioner general recommend deportation. Acting commissioner Baltimore recommended final action be deferred.)
54860/143.
54859/305.
54860/798.
54809/875.
54809/919.
54860/742.
54859/884.
54860/227.
54810/761.
54810/28.
54810/891.
54859/712.
54709/676.
54811/449.
54860/352.
54859/670.
54859/880.
54860/914.
54859/12.
54809/300.
54809/890.
54709/785.
54861/82.
54860/932.
54809/918.
54859/560.
54809/635.
54859/815.
54859/645.
54809/642.
54811/522.
54860/326.
54810/139. Department directs stay of proceeding for three months, April 6.
54861/137.
54859/528.
54859/864.
54680/317.
54709/321.
54718/58. Feeble-minded—department cancels warrant—bureau recommended deportation.
54809/608.
54861/321.
54810/139. Examining inspector and inspector in charge recommend deportation—approved by bureau—department directs stay of proceedings for three months.
54860/608.
54810/104.
54709/163. This man appears to have been particularly active in the Communist Party, much correspondence being filed as exhibits.
54709/554. Bureau recommends holding final decision in abeyance for six months—department cancels warrant.
54810/115. Bureau approves recommendation of examining inspector and Commissioner of Immigration that alien be deported. The department cancels.
54859/354.
54810/239.
54861/162. This alien is an Italian anarchist, member of Ferrer Association and the I. W. W.

- 54859/655. (Detroit.)
- 54860/134.
- 54811/996.
- 54809/281. The inspector in charge recommended that this alien be permitted to leave country on his own account and that the bond be canceled—Commissioner General recommends deportation. Department sustains inspector.
- 54861/382. Overrules bureau on placing bond at \$5,000.
- 54811/991.
- 54859/424. Examining inspector recommends deportation—Inspector in charge at Minneapolis recommends cancellation of warrant—Bureau recommends deportation.
- 54859/415.
- 54809/606.
- 54860/567. } Examining inspector recommends deportation—Commissioner at Seattle
- 54860/514. } recommends cancel—Bureau recommends deportation—Department
- 54860/570. } cancels.
- 54859/61.
- 54860/966.
- 54860/595.
- 54810/104.
- 54860/608.
- 54810/261.
- 54860/152.
- 54709/562. (Bureau recommends stay of 6 months—Department cancels.)
- 54861/258. (Examining inspector recommends hold in abeyance for six months—Department recommends deportation—Bureau cancels.)
- 54861/258.
- 54860/863.
- 54859/325. (Examining officer and acting commissioner at Ellis Island recommend final decision be deferred 6 months—Bureau recommends deportation—Department cancels.)
- 54860/907.
- 54860/290. The examining officer and the acting commissioner at Ellis Island concur.—Bureau recommends deportation.—Department cancels.
- 54709/682.
- 54860/918. This case was not passed upon by the bureau.—Department made following notation: "Deport solely for membership in the Communist Party." Louis F. Post, Assistant Secretary, April 7, 1920.
- 54811/366. } Examining inspector and inspector in charge recommend deportation.—
- 54860/899. } Bureau concurs—Department directs stay proceedings three months.—
- 54809/280. } Inspector in charge to be instructed to report at end of that period.
- 54861/252.
- 54859/20.
- 54859/562. Examining officer recommends cancellation.—Inspector in charge and bureau recommend deportation.—The department cancels.
- 54709/986.—A. The examining inspector and inspector in charge recommend deportation and so does the bureau.—Department concurs. This is interesting case. The record is very heavy, hearing lasting three days and all testimony transcribed in the record,
- 54861/154. Member Ferrer Association of Anarchists.—Active member of the I. W. W. antimilitarist, and antireligious. There are many exhibits in this case.—The examining officer and inspector in charge recommended cancellation.—Bureau recommends deportation.—Department cancels.
- 54709/823. David Barly, a Russian, ordered deported April 2, 1920, and on the 7th, 1920, his case was reopened on petition of Frank X. Martel, business representative Detroit Federation of Labor.—This is sample of the men invading the educational institutions as instructors.
- 54709/744.
- 54860/498. Canceled.—Bureau recommends deportation.
- 54709/123. Canceled.—Bureau recommends deportation.
- 54810/222. Canceled.—Bureau recommends parole.
- 54811/204. Canceled.—Bureau recommends deportation.
- 54809/884. Canceled.—Bureau recommends deportation.
- 54811/927. Canceled.—Bureau recommends parole.
- 54811/981. Canceled.—Bureau recommends parole.
- 54860/169. Canceled.—Bureau recommends deportation.

- 54809/738. Canceled.—Bureau recommends deportation.
54859/224. Canceled.—Bureau recommends deportation.
54860/168. Canceled.—Bureau recommends deportation.
54709/155. Canceled.—Bureau recommends deportation.
54709/463. Canceled.—Inspector and inspector in charge bureau recommend deportation.
54379/368. Bureau recommended cancellation, memorandum had word "approved"; same erased and word "canceled" substituted by A. S.
54709/463. Canceled.—All recommended deportation.
54709/768. Warrant of arrest reads: Parole; own recognizance.
54809/393. Examining inspector recommended deportation.—Commissioner concurs.—Commissioner General recommends deportation.—Assistant Secretary cancels with memorandum reading, "Not consciously a member of the proscribed organization. 4/1-20."
54859/211.
54859/302.
54810/778. No records with memorandum.
54860/154. The examining inspector recommends deportation; the acting commissioner at New York recommends cancellation.—The bureau recommends deportation.—The department cancels.
54810/30. No memorandum prepared by bureau.—Examining officer and inspector in charge recommend deportation; department directs stay proceedings three months.
54861/263. The department passes on case without brief from bureau. Cancels warrant.
54811/994.
54709/499.
54709/529. Passed on by department without memorandum from bureau directing stay proceedings for 3 months and reduces bail to \$1,000 from \$2,500.
54810/346.
54709/685.
54709/163. The Bureau of Immigration prepared its memorandum on January 6, 1920, recommending deportation. Examining officer and commissioner at Boston recommended deportation. The Acting Secretary, Mr. Post canceled warrant on April 8, 1920. The attorney in this case for the alien is Harry C. Edlin, New Haven, Conn.
54709/756. Martin Abromovitch, alias Martin Abern, the assistant commissioner directs this man be deported on following grounds: "Solely for membership in the Communist Party" which is written in ink over the signature of Louis F. Post, Acting Secretary.
54861/51. Ex-inspector and Com. Rec. Dept. Bureau rec. and Department A. S. "Stay proceedings 3 months, meanwhile alien to be released on his own recognizance. 4-13-20."
54861/52. Ex-inspector Com. & Bureau Rec. Dept. A. S. cancels. 4-13-20.
54860/773. Case almost identical with above A. S. orders "Deport". 4/13/20.
54860/771. Ex Imp. Com. & Bureau Rec. deport 1301-W A. S. "Stay proceedings 3 months. Alien meantime to be released on his own recognizance. 4-13."
54859/402.
54859/914. Examining inspector recommends deportation. Commissioner at Baltimore recommends action be suspended for 6 months. The bureau recommended deportation. The department cancels.
54861/256. The following notation in ink: "The alien is evidently bidding for free transportation to Russia at the expense of the U. S. As he joined the Communist Party several months before the proscribed organization of that name existed and has not done enough to confirm membership since its existence, his case is hardly strong enough to justify the expense. April 8, 1920. L. P. F."
54860/731.
54809/691. Examining inspector recommends deportation. Commissioner at Baltimore recommends further action be suspended for six months. Bureau concurs with the commissioner. Department cancels.
54860/832.
54709/616.
54859/245.
54810/767.

- 54861/260. The examining inspector who is in charge of the district recommends that decision be held in abeyance for six months. This is concurred in by the bureau. The department cancels.
- 54811/998. Bureau recommends alien remain on bond until he can be deported. Department cancels.
- 54709/691. The examining officer and inspector in charge recommended deportation; approved by the bureau and department directs "Stay proceedings 3 months. Inspector in charge to be instructed to report at end of that period, and alien is meanwhile to be released on his own recognizance."
- 54809/293. Examining officer, inspector in charge, and bureau recommend deportation. Department cancels with following remarks in ink: "The alien is not an anarchist, is not a believer in physical violence, but in the ballot, and never knew the constitution of the Communist Party, nor signed its membership application."—Signed, Louis F. Post.
- 54861/261. Deportation recommended by examining inspector in charge at Pittsburgh, Pa., and the bureau concurred. The department directs: "Stay proceedings three months, inspector in charge to be instructed to report at end of that period and alien to be released own recognizance."
- 54709/990. Deportation recommended by bureau and inspectors. Department directs: "Stay proceedings for three months; inspector in charge to be instructed to report at end of that time."
- 54859/629. Examining inspector, inspector in charge, and commissioner general recommend deportation. Assistant Secretary cancels, with following notation: "Affiliation to be within statute must be of the nature of membership."—L. F. P. 3/13-20.

(The committee has lists of names and file numbers of 200 or more additional cases where immigration inspectors and the Immigration Bureau recommended that the department issue deportation warrants; that warrants of arrest were canceled by the Assistant Secretary of Labor and the alien ordered released by the same official.)

APPENDIX B.

DEPORTATIONS ON U. S. TRANSPORT "BUFORD."

The CHAIRMAN. At this point I will place in the record the digest of cases reported on the transport *Buford* December 21, 1919, which digest was prepared by direction of this committee by A. W. Parker. (Mr. Parker's letter transmitting the report and the report itself follow:)

MARCH 10, 1920.

HON. ALBERT JOHNSON,
*Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.*

MY DEAR MR. JOHNSON: I have now completed and am transmitting herewith a digest of the cases of the 249 aliens who were deported by the Bureau of Immigration on December 21, 1919, by the Army transport *Buford*, and who were delivered on January 17, 1920, to the American vice consul at Hango, Finland, and who were conveyed from that point, under Finnish military escort, to the soviet Russian frontier, over which they crossed on January 19, 1920.

The digesting of these records proved to be even a more extensive work than I had first apprehended. I deemed it important that the digest should be complete and also methodical, and that every possible precaution should be taken to prevent any errors from creeping in. I therefore examined each record separately and in detail, checking against the records individually such preliminary memoranda as had already been prepared in the Bureau of Immigration with regard to the cases. I have grouped the cases to the fullest extent possible, and so far as feasible have arranged them in numerical order (by the bureau's numbers), within the several groups.

Very truly, yours,

A. WARNER PARKER.

DESCRIPTIVE DIGEST OF THE CASES OF 249 ALIENS DEPORTED TO RUSSIA ON THE
ARMY TRANSPORT "BUFORD" IN DECEMBER, 1919.

All of these aliens were of Russia nationality. Most of them were arrested by immigration officials in pursuance of the act of Congress approved October 16, 1918, amending the provisions of the immigration law relating to aliens of those classes which have come to be commonly denominated as the "anarchistic classes." Wherever arrests were made pursuant to any other law than the act of October 16, 1918, that fact is indicated. The cases fall into two general groups, and are so arranged.

FIRST. ALIENS DEPORTED ON THE GROUND OF MEMBERSHIP IN OR AFFILIATION WITH
ANARCHISTIC ORGANIZATIONS.

The organization, membership in which was charged with respect to this group of cases, is that body known as the "Russian Workers' Union." Said organization was held by the Department of Labor, soon after that department's attention was first directed thereto; to be one of those contemplated by so much of sections 1 and 2 of the act of October 16, 1918, as places in the classes of aliens to be expelled from the United States those "who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

The following excerpts from the constitution of the Russian Workers' Union will sufficiently indicate the reasons why the Department of Labor held that such organization was within the scope of the provisions of law just quoted:

"Modern society, is divided into two opposite classes. On the one hand are the disinherited workers and peasants (farmers), who, by their labor created the entire wealth of the world; and on the other hand, the rich, who have taken possession of all this wealth.

"The class of disinherited rose repeatedly in revolt against the parasitic rich and against their handmaiden and protector (the State) for the purpose of fully emancipating themselves from the yoke of capital and authority. * * *

"The struggle between these classes continues up to now and will terminate when the toiling masses, organized as a class, will understand their true interests and will, by means of the forcible social revolution, take possession of the entire wealth of the world.

"Having accomplished such an upheaval and having destroyed at the same time all the institutions of the State and authority the class of the disinherited will have to proclaim a society of free-producers. * * *

"In furtherance of our aim, we place in the forefront, the necessity to create a wide revolutionary class organization of the toilers."

The specific charge on which each member of the following group, composed of 181 aliens, was deported reads as follows:

"That he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54248/20	Naum Stepanuk.....	Cleveland, Ohio.....	Dec. 12, 1917
54235/151	John Tarasyk.....	do.....	Do. "
54235/158	Paul Krachie.....	do.....	Do. "
54235/159	Leo Haskewich.....	do.....	Do. "
54616/133	Kronagi Workolf.....	Pittsburgh, Pa.....	June 12, 1919
54616/156	Thomas Prosk.....	New Haven, Conn.....	Apr. 29, 1919
54616/222	Anton Trzplot.....	Cleveland, Ohio.....	June 11, 1919
54709/21	Daniel Levczuk.....	Buffalo, N. Y.....	Nov. 13, 1919
54709/103	Wm. Lowna.....	Elizabeth, N. J.....	Nov. 25, 1919
54709/109	John Brunet.....	Baltimore, Md.....	Nov. 14, 1919
54709/111	Iwan Novikoff.....	New York.....	Nov. 21, 1919
54709/112	Dimitri Panko.....	do.....	Nov. 9, 1919
54709/113	Mike Seegan.....	do.....	Nov. 10, 1919
54709/117	Maxim Chisnejko.....	do.....	Nov. 9, 1919

Immigra- tion Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/117	Iwan Veremink	New York	Nov. 5, 1919
54709/118	Arthur Lesiga	do	Dec. 4, 1919
54709/119	Peter Novick	do	Nov. 10, 1919
54709/125	Gregory Melnikoff	do	Nov. 11, 1919
54709/128	Harry Schatz	do	Nov. 8, 1919
54709/137	Anton Andromask	Buffalo, N. Y.	Nov. 13, 1919
54709/140	Leo Chijefsky	do	Nov. 17, 1919
54709/141	Stanislaus Chijeosky	do	Nov. 15, 1919
54709/145	Gregory Koroviansky	do	Nov. 17, 1919
54709/151	Vladimir Borisink	Hartford, Conn.	Nov. 7, 1919
54709/158	Steve Kaminsky	New York	Nov. 10, 1919
54709/161	Effim Kochovetz	Hartford, Conn.	Nov. 22, 1919
54709/164	Anani Nazarsuk	do	Nov. 8, 1919
54709/166	John Philipsoff	do	Nov. 14, 1919
54709/171	George Wolkoff	do	Nov. 21, 1919
54709/177	Mihal Yarosevich	East Youngstown	Nov. 10, 1919
54709/178	Andrew Jarosevich	do	Nov. 9, 1919
54709/181	Gordic Stolatchuk	do	Do.
54709/184	Iwan Sanko	do	Nov. 6, 1919
54709/185	Andy Sereck	do	Nov. 14, 1919
54709/186	Demian Roznuk	do	Nov. 9, 1919
54709/187	Trofin Momotuk	do	Do.
54709/193	Simon Kulsh	do	Do.
54709/195	Paul Krupka	do	Do.
54709/199	George Kaltejika	Youngstown, Ohio	Do.
54709/203	Andrew Dedinska	do	Do.
54709/207	Zenow Bogen	Hartford, Conn.	Nov. 17, 1919
54709/208	Frank Blacharski	Youngstown, Ohio	Nov. 9, 1919
54709/210	Mickael Lestchuk	Philadelphia, Pa.	Nov. 11, 1919
54709/212	Peter Urkevitch	do	Do.
54709/214	George Garoshkow	Greensburg, Pa.	Nov. 12, 1919
54709/220	Roman Mosichuk	Philadelphia, Pa.	Nov. 13, 1919
54709/223	Jacob Zboromirsky	Greensburg, Pa.	Nov. 12, 1919
54709/227	Vasil Koniakin	Akron, Ohio	Nov. 8, 1919
54709/231	John Kaleanoff	do	Nov. 10, 1919
54709/236	Joe Wassilenko	Hartford, Conn.	Nov. 8, 1919
54709/241	Fred. Soloneki	do	Dec. 8, 1919
54709/256	Mark Kulish	do	Dec. 7, 1919
54709/260	John Martinowski	do	Nov. 7, 1919
54709/272	Roman Andrink	New York	Nov. 9, 1919
54709/273	Abe Brook	do	Nov. 8, 1919
54709/275	Dora Lipking	do	Nov. 9, 1919
54709/277	Benj. Amaslevitch	do	Nov. 6, 1919
54709/278	Boris Schatz	do	Nov. 10, 1919
54709/284	Necita Zafroma	do	Nov. 9, 1919
54709/305	Mike Szerba	Baltimore, Md.	Nov. 19, 1919
54709/309	Ossip Stepanoff	Buffalo, N. Y.	Nov. 18, 1919
54709/317	Fred. Yarovoy	Philadelphia, Pa.	Nov. 13, 1919
54709/318	Paul Holowkin	Baltimore, Md.	Nov. 21, 1919
54709/320	Andrei Balash	Hartford, Conn.	Nov. 11, 1919
54709/322	Estafy Sulawka	do	Nov. 17, 1919
54709/324	Mike Shweikus	do	Nov. 11, 1919
54709/325	John Denczyk	do	Do.
54709/326	Tony Kurson	do	Do.
54709/327	Porfery Onishsenko	Buffalo, N. Y.	Nov. 8, 1919
54709/328	Yefin Tadizieg	Baltimore, Md.	Do.
54709/329	Paul Jacimoff	Philadelphia, Pa.	Nov. 11, 1919
54709/330	Wasily Waschuk	do	Do.
54709/331	Nikita Eskimashko	do	Nov. 14, 1919
54709/332	John Kozy	do	Nov. 13, 1919
54709/337	Nikolai Ochrimuk	New York	Nov. 10, 1919
54709/338	John Newar	do	Nov. 11, 1919
54709/339	Tony Federsco	do	Do.
54709/340	Daniel Rice	do	Nov. 10, 1919
54709/342	Joe Kozz	do	Nov. 11, 1919
54709/345	Nikolai Kuropato	do	Nov. 8, 1919
54709/347	Andrew Lazarewich	do	Nov. 10, 1919
54709/348	Michail Sawicki	do	Nov. 11, 1919
54709/350	John Ernols	do	Do.
54709/351	Peter Urgel	do	Do.
54709/352	Alexander Konol	do	Nov. 8, 1919
54709/353	Andrew Hostilla	do	Nov. 10, 1919
54709/356	Mathew Podlipsky	do	Do.
54709/358	Boris Keretchuk	do	Nov. 8, 1919
54709/363	Ivan Koslik	do	Nov. 10, 1919
54709/364	Theodor Froshkovich	do	Nov. 8, 1919
54709/365	Thomas Furs	do	Do.
54709/369	Maxim Worebey	Hartford, Conn.	Nov. 23, 1919
54709/371	Steve Prokopowich	do	Nov. 12, 1919
54709/373	Konstantin Damianovich Draco	do	Nov. 27, 1919
54709/375	Wladzimar Archiuk	do	Nov. 12, 1919
54709/376	Nicholas Mlaverausky	do	Nov. 21, 1919
54709/377	Terentias Leonof	do	Nov. 25, 1919
54709/378	Mike Zdanowich	do	Do.

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/380	John Gushchia	Hartford, Conn.	Nov. 24, 1919
54709/381	Lukez Shohidko	do.	Do.
54709/382	Michael Deminavich Butskevich	do.	Nov. 28, 1919
54709/384	Mike Legeze	do.	Nov. 24, 1919
54709/385	Dimitry Yasinisky	do.	Nov. 11, 1919
54709/386	Anton Kotlak	do.	Nov. 25, 1919
54709/388	Mike Visko	do.	Nov. 20, 1919
54709/389	Wasily Balick	do.	Nov. 26, 1919
54709/390	Ivan Dainlovich	do.	Do.
54709/391	Anthony Anislenia	do.	Nov. 25, 1919
54709/392	Nestor Michaelovich Sheleg	do.	Nov. 28, 1919
54709/394	David Suhov	do.	Nov. 25, 1919
54709/395	Paul Nestoruck	do.	Nov. 26, 1919
54709/396	Konstantin Romanchuk	do.	Do.
54709/397	Ivan Nabages	do.	Nov. 24, 1919
54709/398	Zachary Vaseyko	do.	Nov. 25, 1919
54709/400	Nestor Walter Zubko	do.	Nov. 12, 1919
54709/402	Jacob Kowalewich	do.	Do.
54709/403	Ignace Woroblen	do.	Nov. 18, 1919
54709/405	Samuel Barkowsky	do.	Nov. 19, 1919
54709/411	Alexander Serevetnik	do.	Nov. 24, 1919
54709/420	Louis Kotevich	Baltimore, Md.	Nov. 10, 1919
54709/421	Hawril Michewitz	Hartford, Conn.	Nov. 13, 1919
54709/431	James Mandeloe	Greensburg, Pa.	Nov. 19, 1919
54709/447	Harry Skochuk	New York	Nov. 11, 1919
54709/449	Joseph Poluleck	do.	Nov. 13, 1919
54709/451	Yakim Denisuk	Chester, Pa.	Nov. 11, 1919
54709/454	Efim Kolesnikoff	New York	Nov. 15, 1919
54709/455	Tony Korscheikoff	do.	Do.
54709/456	Anton Lipsky	do.	Nov. 21, 1919
54709/457	Louis Ristick	do.	Nov. 10, 1919
54709/461	Harry Wodner	do.	Nov. 15, 1919
54709/475	Andy Prauka	Greensburg, Pa.	Nov. 21, 1919
54709/476	Ortiub Tsubrick	do.	Do.
54709/477	Andrew Geras	do.	Do.
54709/478	Andy Chigraeff	do.	Do.
54709/479	Jacob Borov	do.	Nov. 19, 1919
54709/484	Nikifor Zharko	Baltimore, Md.	Nov. 26, 1919
54709/485	Michael Zatyn	do.	Do.
54709/489	Michael Lawriunk	New York	Nov. 17, 1919
54709/496	Ilya Kovalsky	Ansonia, Conn.	Nov. 7, 1919
54709/498	Peter Magyar	Cleveland, Ohio	Nov. 11, 1919
54709/500	Boroos Borsuk	do.	Sept. 18, 1919
54709/512	Andy Smal	Youngstown, Ohio	Nov. 21, 1919
54709/513	Peter Herasevich	do.	Do.
54709/516	Leon Chrikaluk	Greensburg, Pa.	Nov. 26, 1919
54709/518	Thomas Zayats	do.	Do.
54709/520	Frank Nikolaeff	do.	Do.
54709/521	Mike Yanish	do.	Do.
54709/522	Feodor Kushnareo	South Bethlehem, Pa.	Mar. 4, 1919
54709/524	Egor Matveevich Feskov	Hartford, Conn.	Nov. 27, 1919
54709/525	Wasily Ivaouovich Tarasiak	do.	Do.
54709/526	Kiril Fengol	do.	Nov. 21, 1919
54709/527	Peter Mirinovich	do.	Nov. 27, 1919
54709/528	Konstantin Petrashka	do.	Nov. 20, 1919
54709/536	Wassily Maliewsky	Akron, Ohio	Nov. 26, 1919
54709/539	William Lukow	Youngstown, Ohio	Dec. 2, 1919
54709/540	Yakow Cewook	do.	Do.
54709/541	Nik Telatitski	do.	Dec. 1, 1919
54709/542	Eugui Starikevich	do.	Dec. 2, 1919
54709/543	Peter Dolrag	do.	Dec. 1, 1919
54709/545	John Konik	do.	Do.
54709/546	Gordei Sheika	do.	Nov. 25, 1919
54709/583	Sergei Savchuk	Baltimore Md	Nov. 28, 1919
54709/586	Orteof Sahtabnog	Fairmont, W. Va.	Dec. 2, 1919
54709/588	Konstantin Skorokod	do.	Dec. 3, 1919
54709/589	George Voloh	do.	Dec. 1, 1919
54709/593	Basil Belusoff	do.	Dec. 2, 1919
54709/594	William Yankum	do.	Do.
54709/598	Theodore Krishtop	do.	Dec. 1, 1919
54709/600	Prokopy Losloff	do.	Do.
54709/601	Vasil Kozlov	do.	Do.
54709/602	Evan Elko	do.	Dec. 3, 1919
54709/603	Arhip Libed	do.	Do.
54709/604	Maysey Voleshynyuk	do.	Do.
54709/605	Artemy Pauluk	do.	Dec. 2, 1919
54709/606	Parfem Tabenko	do.	Dec. 1, 1919
54709/607	Yakim Novik	do.	Dec. 2, 1919
54709/614	Luka Katchanov	Hartford, Conn.	Dec. 6, 1919
54709/622	Ivan Morgolenkow	Baltimore, Md.	Dec. 3, 1919
54709/627	Andrew Mazaruck	New York	Dec. 5, 1919
54709/649	Samuel Kanowich	do.	Dec. 12, 1919
54709/696	Nicolai Volosuk	Bethlehem, Pa.	Mar. 6, 1919

Each member of the following group, composed of three aliens, was deported upon the ground "that he is affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States, and that he is affiliated with an organization that teaches disbelief in all organized government," the evidence procured being sufficient to establish affiliation, but not sufficient to show actual membership.

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/225	Ewstife Swanko.....	Akron, Ohio.....	Nov. 10, 1919
54709/308	Anton Stepanoff.....	Buffalo, N. Y.....	Nov. 15, 1919
54709/579	Efreem Potenkin.....	Greensburg, Pa.....	Nov. 26, 1919

SECOND. ALIENS DEPORTED ON MISCELLANEOUS GROUNDS.

With the exception of a few cases, placed at the very end of this list, the aliens classified under this heading were deported on charges placing them within the classes commonly called the anarchistic; and even some of those deported on charges having no direct reference, of themselves, to the anarchistic classes, were proceeded against because there was no lack of moral certainty, although direct legal proofs were not available, that such aliens did belong to the anarchistic classes.

Immigration Bureau No. 54616/123.

Name of alien, Pavel Melvicoff.

Place of arrest, San Francisco, Calif.

Date of arrest, May 3, 1919.

"That he is an alien anarchist."

Immigration Bureau No. 54616/89.

Name of alien, Frank Brodia.

Place of arrest, Pittsburgh, Pa.

Date of arrest, May 7, 1919.

"That at the time of his entry into the United States he was an alien anarchist, and that after his entry into the United States he has continued to be an alien anarchist."

Immigration Bureau No. 54709/217.

Name of alien, Michael Deitktrow.

Place of arrest, Pittsburgh, Pa.

Date of arrest, November 11, 1919.

"That he is an alien anarchist; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/276	Vincent Martzin.....	New York, N. Y.....	Dec. 12, 1919
54709/379	Kirio Fedyk.....	Hartford, Conn.....	Nov. 21, 1919
54709/609	Sam Orloff.....	Morgantown, W. Va.....	Dec. 1, 1919

Each deported upon the ground "That he is an alien anarchist; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54709/591.

Name of alien, Andrew Lopitsky.

Place of arrest, Fairmont, W. Va.

Date of arrest, December 2, 1919.

"That he is an alien anarchist; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow

by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/24.

Name of alien, Steipan Zedik.

Place of arrest, Baltimore, Md.

Date of arrest, February 19, 1919.

"That he is an alien anarchist; that he has been found advocating or teaching anarchy."

Immigration Bureau No. 54616/29.

Name of alien, Adolph Schrabel-Delass.

Place of arrest, Pittsburgh, Pa.

Date of arrest, February 17, 1919.

"That he is an alien anarchist; that he has been found advocating or teaching anarchy; that he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that entertains disbelief in all organized government; and that he is a member of or affiliated with an organization that entertains opposition to all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54616/134	Michael Belestia.....	Pittsburgh, Pa.....	Apr. 8, 1919
54616/221	David Eelak.....	do.....	July 19, 1919

"That he is an alien anarchist; and that he disbelieves in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/341	Tom Turka.....	New York, N. Y.....	Nov. 11, 1919
54709/99	Nicholas Wasilieff.....	do.....	Nov. 10, 1919

"That he is an alien anarchist; that he disbelieves in all organized government; and that he is an opponent of all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/474	Anthony Lovonetsky.....	Greensburg, Pa.....	Nov. 19, 1919
54709/97	John Duboff.....	New York, N. Y.....	Nov. 5, 1919
54709/535	Fred Gazeycg.....	Akron, Ohio.....	Nov. 24, 1919

"That he is an alien anarchist; that he disbelieves in all organized government, and that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/176.

Name of alien, Egram Kovalenko.

Place of arrest, Pittsburgh, Pa.

Date of arrest, May 12, 1919.

"That he is an anarchist; that he was likely to become a public charge at time of entry, and that he entered without inspection."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54379/125	George Cyzyk	Cleveland, Ohio	Feb. 25, 1918
54709/453	Michel Abrossamof	New York, N. Y.	Nov. 15, 1919
54709/544	Jim Komar	Youngstown, Ohio	Dec. —, 1919
54709/534	Frank Kowalawich	Akron, Ohio	Nov. 24, 1919
54709/590	Peter Novokoff	Fairmont, W. Va.	Dec. 2, 1919
54709/201	Jacob Jackotonsky	Youngstown, Ohio	Nov. 9, 1919

"That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or violence of the Government of the United States; that he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/173.

Name of alien, Dimitri Iwanjuk.

Place of arrest, Camden, N. J.

Date of arrest, May 7, 1919.

"That he has been found advocating and teaching the overthrow by force or violence of the Government of the United States."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54616/117	Alexander Charnoff	Waterbury, Conn.	Mar. 26, 1919
54709/625	Tehon Krassnoff	Fairmont, W. Va.	Dec. 2, 1919

"That he is an alien anarchist; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or violence of all forms of law; and that he is a member of or affiliated with an organization that entertains disbelief in and is opposed to all organized government."

Immigration Bureau No. 54709/647.

Name of alien, Thos. P. Buhkanov.

Place of arrest, New York, N. Y.

Date of arrest, December 14, 1919.

"That he is an anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he disbelieves in all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/106.

Name of alien, Nicholas Mihaeloff.

Place of arrest, Newark, N. J.

Date of arrest, March 12, 1919.

"That he is an alien anarchist; that he advocates the unlawful destruction of property; that he advocates the assassination of public officials; and that he entered without inspection."

Immigration Bureau No. 54709/116.

Name of alien, Hyman Perkus.

Place of arrest, New York, N. Y.

Date of arrest, November 10, 1919.

"That he is an anarchist; that he disbelieves in all organized government; that he is an opponent of all organized government; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that

teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
52410/43	Alexander Berkman.....	Federal Penitentiary, Atlanta, Ga.	Aug. 13, 1919
52410/43	Emma Goldman.....	Federal Penitentiary, Jefferson City, Mo.	Sept. —, 1919

"That he (she) is an alien anarchist; that he (she) has been found advocating or teaching anarchy; that he (she) has been found teaching the overthrow by force or violence of the Government of the United States or of all forms of law; that he (she) believes in the overthrow by force or violence of the Government of the United States; that he (she) believes in the overthrow by force or violence of all forms of law; that he (she) advocates the overthrow by force or violence of the Government of the United States; that he (she) advocates the overthrow by force or violence of all forms of law; that he (she) advocates the assassination of public officials; that he (she) disbelieves in all organized government; and that he (she) is an opponent of all organized government."

Immigration Bureau No. 54235/32.

Name of alien, Morris Becker.

Place of arrest, Federal Penitentiary, Atlanta, Ga.

Date of arrest, October 27, 1917.

Act of 1917: "That he has been found advocating and teaching anarchy."

Immigration Bureau No. 54649/62.

Name of alien, Alexay Nishancoff.

Place of arrest, Detroit, Mich.

Date of arrest, February 12, 1919.

"That he has been found advocating or teaching anarchy; that he was likely to become a public charge at time of entry; and that he entered without inspection."

Immigration Bureau No. 54554/23.

Name of alien, Mickal Kudreyko.

Place of arrest, New York.

Date of arrest, July 28, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that he was a person likely to become a public charge at the time of his entry; and that he entered without inspection."

Immigration Bureau, No. 54379/534.

Name of alien, John Janson.

Place of arrest, Laramie, Wyo.

Date of arrest, July 8, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry."

Immigration Bureau, No. 54379/101.

Name of alien, Kazis Maskalunas.

Place of arrest, Seattle, Wash.

Date of arrest, January 31, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States."

Immigration Bureau No. 54616/82.

Name of alien, Hussein Tagieff.

Place of arrest, Detroit, Mich.

Date of arrest, February 28, 1919.

Act of 1917: "That he has been found advocating or teaching the overthrow by force or violence of the Government of the United States."

Immigration Bureau No. 54616/235.

Name of alien, William Bendick.

Place of arrest, Cleveland, Ohio.

Date of arrest, June 26, 1919.

"That he has been found advocating or teaching the overthrow by force or violence of the Government of the United States; and that he has been found advocating or teaching the assassination of public officials."

Immigration Bureau No. 54407/17.

Name of alien, Fredk. H. Berger.

Place of arrest, San Francisco, Calif.

Date of arrest, February 19, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy; that he was an anarchist or person who disbelieved in or was opposed to organized government at the time of his entry into the United States; and that he was a person likely to become a public charge at the time of his entry."

Immigration Bureau No. 54709/34.

Name of alien, Sam Meshkov.

Place of arrest, Pittsburgh, Pa.

Date of arrest, August 13, 1919.

"That he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property."

Immigration Bureau No. 54709/94.

Name of alien, Fredor Antonchick.

Place of arrest, New York.

Date of arrest, December 4, 1919.

"That he advocates the overthrow by force or violence of the Government of the United States."

Immigration Bureau No. 54616/25.

Name of alien, Max Brazelia.

Place of arrest, S. Louis, Mo.

Date of arrest, March 5, 1919.

"That he believes in the overthrow by force or violence of the Government of the United States, and that he advocates the overthrow by force or violence of the Government of the United States."

Immigration Bureau No. 54709/674.

Name of alien, Alexander Derkoch.

Place of arrest, New York, N. Y.

Date of arrest, December 14, 1919.

"That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or violence of the Government of the United States; and that he disbelieves in all organized government; and that he is an opponent of all organized government."

Immigration Bureau, No. 54709/357.

Name of alien, Alfons Hajdak.

Place of arrest, New York.

Date of arrest, November 10, 1919.

"That he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government; and that he believes in the overthrow by force or violence of the Government of the United States."

Immigration Bureau, No. 54616/135.

Name of alien, Alex. Antauoff.

Place of arrest, Pittsburgh, Pa.

Date of arrest, April 4, 1919.

That he disbelieves in all organized government.

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54616/115...	Marcus Oradovsky.....	New York.....	July 2, 1919
54709/144...	Barnet Kirson.....	Buffalo, N. Y.....	Nov. 12, 1919
54709/582...	Sam Colbus.....	Fairmont, W. Va.....	Dec. 2, 1919
54709/608...	Mike Orloff.....	Morgantown, W. Va.....	Dec. 1, 1919

That he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government.

Immigration Bureau No. 54616/115.

Name of alien, Ethel Bernstein.

Place of arrest, New York, N. Y.

Date of arrest, November 9, 1919.

"That she is an alien anarchist; that she advocates the overthrow by force or violence of the Government of the United States; that she disbelieves in all organized government; that she is an opponent of all organized government."

Immigration Bureau No. 54616/115.

Name of alien, Peter Bianky.

Place of arrest, New York, N. Y.

Date of arrest, March 21, 1919.

"That he believes in the overthrow by force or violence of all forms of law; that he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/115.

Name of alien, Arthur Ketzas.

Place of arrest, New York, N. Y.

Date of arrest, June 19, 1919.

"That he is an alien anarchist; that he believes in the overthrow by force or violence of all forms of law; that he disbelieves in all organized government; that he is an opponent of all organized government; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54709/584.

Name of alien, Alex. Vinik.

Place of arrest, Morgantown, W. Va.

Date of arrest, December 1, 1919.

"That he was likely to become a public charge at the time of his entry."

(Was charged with I. W. W. and other radical connections and activities.)

Immigration Bureau No. 54616/239.

Name of alien, Alexander Shkilunk.

Place of arrest, Fort Leavenworth, Kans.

Date of arrest, July 1, 1919.

"That he was likely to become a public charge at the time of his entry."

(Was in penitentiary for refusing to serve in Army—had radical ideas—in favor of Russian Soviet Government.)

Immigration Bureau No. 54616/172.

Name of alien, Michail Gernet.

Place of arrest, Detroit, Mich.

Date of arrest, May 2, 1919.

"That he was likely to become a public charge at the time of entry, and that he

entered by water at a time or place other than as designated by immigration officials."

(Evidence indicated but did not clearly prove anarchistic beliefs.)

Immigration Bureau No. 54616/16.

Name of alien, Pete Pawlas.

Place of arrest, Cleveland, Ohio.

Date of arrest, January 31, 1919.

"That he was likely to become a public charge at the time of his entry into the United States, and that he entered without inspection."

(Evidence indicated but did not establish radical beliefs and activities.)

Immigration Bureau No. 54616/170.

Name of alien, Iwan Fedosky.

Place of arrest, Detroit, Mich.

Date of arrest, April 29, 1919.

"That he was likely to become a public charge at the time of his entry and that he entered without inspection by means of false and misleading statements."

(Evidence indicated but did not establish radical beliefs and activities.)

Immigration Bureau No. 54709/68.

Name of alien, Ketia Fedrovich Molkowsky.

Place of arrest, Seattle, Wash.

Date of arrest, September 13, 1919.

"That he was a contract laborer at the time of his entry having been induced, assisted, encouraged, or solicited to migrate to this country by an offer or promise of employment, or in consequence of an agreement, oral, written, or printed, express or implied, to perform labor of any kind, skilled or unskilled in the United States; and that he was a person likely to become a public charge at the time of his entry."

(The evidence indicated but did not establish radical beliefs and activities.)

Immigration Bureau No. 53986/77.

Name of alien, Jankel Baiger.

Place of arrest, Philadelphia, Pa.

Date of arrest, September 1, 1916.

Act of 1917. "That he was likely to become a public charge at the time of his entry into the United States."

(While arrested in September, 1916, warrant for deportation did not issue until June 26, 1919, because he was in the penitentiary serving a sentence for larceny.)

Immigration Bureau No. 54545/43.

Name of alien, Osipoff Kurinski.

Place of arrest, Omaha, Nebr.

Date of arrest, January 30, 1919.

"That he was likely to become a public charge at the time of his entry into the United States."

(Was mentally weak before he came to this country, and became worse under new environment.)

Immigration Bureau No. 53678/601.

Name of alien, Samuel Lemberg.

Place of arrest, Federal Penitentiary, Atlanta, Ga.

Date of arrest, April 24, 1914.

"That he has been found receiving, sharing in, and deriving benefit from the earnings of a prostitute."

Act of 1907-1910. (While alien was arrested in April, 1914, deportation warrant was not executed until December, 1919, as he was serving a sentence of 8 years in Atlanta Penitentiary.)

Immigration Bureau No. 54542/2.

Name of alien, Sebastian Canzor.

Place of arrest, Seattle, Wash.

Date of arrest, August 7, 1918.

Act of 1917. "That his ticket of passage to the United States was paid with the money of another, or that he was assisted by others to come to the United States; and that he was a person likely to become a public charge at the time of his entry."

(Was in bad shape—his friends contributed money to get him back to Russia.)

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54255/28.....	Mike Shell.....	Western Penitentiary, Rockview, Pa.	June 12, 1918
54379/280.....	Grant Seelof.....	State Penitentiary, Waupum, Wis.	May 9, 1918
54408/4.....	Joseph Mucha.....	State Penitentiary, Monroe, Wash.	Apr. 18, 1918

Act 1917.—"That he has been sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude within five years after his entry into the United States, and that he was a person likely to become a public charge at the time of his entry."

33 (2) 4th

I. W. W. DEPORTATION CASES

105
266

HEARINGS

BEFORE A

U. S. Congress. House.

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION,

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

—
APRIL 27 TO 30, 1920
—

[2-3]

STATEMENT OF W. A. BLACKWOOD

—

REPORTS IN THE CASES OF VARIOUS ALIENS
TRANSFERRED FROM SEATTLE, WASH., AND
OTHER POINTS TO ELLIS ISLAND, N. Y., FOR
DEPORTATION, AND THEREAFTER RELEASED



WASHINGTON
GOVERNMENT PRINTING OFFICE

1920

178317

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman.*

ISAAC SIEGEL, New York.

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JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk.*

JUL 22 1920

I. W. W. DEPORTATION CASES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Tuesday, April 27, 1920.

A subcommittee, called by Chairman Johnson, met at 10 a. m., April 27, and continued its sessions at intervals until Friday, April 30.

The CHAIRMAN. After the committee inquiry at Ellis Island in November, 1919, the files in certain immigration cases were called for. Inquiry was also commenced into many cases which occurred prior to November 1, 1919. Later the call for these papers was suspended owing to the congestion in the office of the Commissioner General of Immigration, accounted for by reason of the arrests of communists, anarchists, and members of the Union of Russian Workers, to the number of several thousand. At the meeting of the committee, last night, Mr. Blackwood was asked to present digests of, and statements concerning deportation cases taken from various parts of the United States to New York, and there released. Mr. Blackwood is ready to begin the presentation of that matter.

STATEMENT OF MR. W. A. BLACKWOOD.

Mr. BLACKWOOD. I have here copies of data taken from the files of the Bureau of Immigration, pertaining to cases of aliens ordered deported, brought from distant points to Ellis Island for deportation, and then released either on a small bond or on parole or personal recognizance. Attention is called to the fact that two or more memoranda appear in many of these cases, also to the summary of the examining inspector copied from many of the cases and which seems to set forth fairly the facts adduced by the testimony. The second memorandum leads to the release.

All of the cases so released are not treated on, as the files of several could not be located.

Attention is called to the fact that in releasing these aliens the memorandum recommending such release often stated that the case was identical with that of Sam Nelson, an alien whose release had been ordered by Federal Judge Hand. This statement is not borne out by the facts as shown by the records. In the Nelson case Judge Hand's decision shows nothing had been introduced into the original deportation record to prove the nature of the I. W. W. organization. In practically all of the other cases abundance of evidence was introduced showing the nature of that organization. This was the vital point in the Nelson case according to the decision before mentioned.

This decision of Judge Hand's, on which much stress is placed in memoranda regarding the release of many of the aliens, reads as follows:

MEMORANDUM IN THE CASE OF NELSON, WRIT OF HABEAS CORPUS, BEFORE JUDGE
AUGUSTUS H. HAND, APRIL 10, 1919.

In the case of *ex parte* Bernat, decided by Judge Neterer, there appears to have been documents at the hearing which discloses to my mind quite a different record from the one presented here. In this case the relator explicitly denies that he advocates the destruction of property. Such a denial, of course, may be expected in cases where a relator does in fact advocate active sabotage; but, in the face of his denials, which are uniform, some other evidence must appear substantiating the charge for which he is being deported. The only thing that I can derive from the record is that he believes that there is an irreconcilable conflict between employer and employee and he believes that fruits and even instruments of production belong to the laborer. This is a doctrine of socialism which may or may not be worked out by peaceful means, and I find no evidence in the record that destruction of property was advocated or intended by the relator.

For the foregoing reasons, the writ is sustained, and the relator discharged.
Received April 12.

CASE OF JOHN MORGAN.

The case of John Morgan, bureau file 54379/18, is mentioned in the final memorandum as being like that of Sam Nelson. The record, however, supports the statement that the comparison was not correct, as in this case an abundance of evidence was introduced to show the character of the I. W. W. organization.

The various memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: John Morgan.
2. Number of case (Bureau of Immigration file): 54379/18.
3. Date of warrant of arrest: January 15, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, of the assassination of public officials, and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 15, 1918, Everett, Wash.
6. Disposition of case: Warrant of deportation to England at Government expense issued December 3, 1918. Transferred to Ellis Island for deportation. Writ of habeas corpus applied for and in anticipation of adverse decision alien was paroled on own recognizance.
7. Status of case at present: Pending.

54379/18.
In re John Morgan; aged 34; native of Ireland, or Irish race; subject of Great Britain; entered from Canada, without inspection, at Detroit, Mich., in 1912.

Memorandum for the acting secretary:

The above-named alien was arrested at Everett, Wash., on the grounds that he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, and that he was a person likely to become a public charge at the time of his entry into the United States.

This man is considered by the examining officers to be above the average of his class in intelligence. He denied his belief in the tenets of the I. W. W. organization and the fact that he had read or was in any way familiar with the literature published by it. He admitted, however, when confronted with positive proofs, that he had distributed I. W. W. literature at various times. Receipts and copies of letters in the file will show that he had been in correspondence with prominent I. W. W. members.

It should be observed that, while (necessarily) repeated references are made to the I. W. W. and alien's membership therein, it is not alien's membership, but what

he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The bureau recommends that the alien be deported to England at Government expense, when possible, on the ground that he has been found advocating and teaching the unlawful destruction of property; that charge been stipulated into the record with his attorney's assent. Pending deportation he should be released under Rule 17-A.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

No. 54379/18.

MARCH 14, 1919.

In re John Morgan.

Supplemental memorandum for the Acting Secretary:

This case has been again carefully reviewed by the bureau in the light of statements made by attorneys Lowe and Recht when they recently made an oral argument before the bureau. The record clearly shows, however, that the alien distributed literature teaching the unlawful destruction of property. It does not seem that anything new can be presented in alien's behalf. As stated in the bureau's previous memorandum, while (necessarily) repeated references are made in the record to the I. W. W. and alien's membership therein, it is not such membership, but what the alien has done, as exemplified by the record as a whole, that was considered against him when the bureau and department finally reached the conclusion to issue a warrant for his deportation, which warrant issued under date of December 3, 1918.

It is recommended that the petition for reopening be denied.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

No. 54379/48.

APRIL 17, 1919.

In re John Morgan.

Supplemental memorandum for the Acting Secretary:

In this case it was found as a result of the traverse to the return to the writ of habeas corpus, made by Attorney Recht, that the record and return are defective. While these defects, especially those in the return, could have been cured before the court, the United States Attorney and Mr. Parker reached the conclusion that the case was so near like that of Sam Nelson, which had been decided against the Government by the district court (and in which an appeal is being recommended by the United States Attorney), that to go on with the case would probably result in adding another decision unfavorable to the Government in the district court at New York. They, therefore, consented to the suggestion of Attorney Recht that the case be allowed to go over in court for two weeks and that meanwhile the matter would be given further consideration by the department.

This man is not shown to be a bad character, nor to have been particularly active in spreading I. W. W. propaganda, although he did act as a delegate and organizer and probably distributed more of the literature than he has been willing to admit. As a matter of expediency, and with the hope that by so doing we will get better results than otherwise would accrue to the court at New York, it is now recommended that the alien be paroled upon his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

CASE OF WILLIAM LONGFORS.

The case of William Longfors, bureau file 54379/82, is another which is compared to the Nelson case in the final memorandum. The comparison is not based on fact, however, as in the Longfors's case abundant evidence was introduced to show the character of the I. W. W. organization. In the final memorandum just referred to the writer states that the alien was at no stage of the proceedings advised of his right to counsel. In making this statement the writer evidently overlooked the fact that Longfors's case differed from the ordinary arrest case, that owing to the fact that he was arrested as a

deserting seaman he was given a hearing before a board of special inquiry as provided in the regulations and therefore was not entitled to be represented by counsel. The various memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of persons arrested: William Longford, or Longfor, alias Cusaf Ludwig Wilhelm Longfors.
2. Number of case (Bureau of Immigration files): 54379/82.
3. Date of warrant of arrest: January 25, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 25, 1918, Seattle, Wash.
6. Disposition of case: Warrant of deportation to Denmark at Government expense issued February 22, 1919. Transferred to Ellis Island for deportation. Petition to reopen case denied. Habeas corpus applied for and, in anticipation of adverse decision, alien was paroled on own recognizance.
7. Status of case at present: Pending.

54379/82

NOVEMBER 22, 1918.

In re William Longfors, aged 23, native and subject of Denmark; entered without inspection, presumably at Galveston, Tex., in 1914.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Yakima, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.

This man states that he entered Galveston by deserting from a vessel in 1914; that since then he has roamed about over the country, working but a short time in any one place; that he has been a member of the I. W. W. since October, 1916, and as such has paid his dues and contributed to defense funds; that he has been an organizer and delegate and holds credentials as such; and that in the performance of his duties of this office, he has distributed official I. W. W. literature teaching sabotage. Various paragraphs from official literature of the I. W. W. were read to him. While he attempted to evade them as much as possible, it is clear that he approves of the teachings and aims of the order, including that of direct action. He has been arrested on a number of occasions for disturbing the peace.

The bureau is of the opinion that the charge in the warrant of teaching and advocating the unlawful destruction of property is sustained, and upon that ground has to recommend the alien's deportation to Denmark at Government expense.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

54379/82

APRIL 17, 1919.

54517/33

In re William Longfors and Magnus Anderson Otterholm.

Supplemental memorandum for the Acting Secretary:

See previous memoranda at markers. As these cases are in all substantial respects similar to that of Sam Nelson, in which Judge A. N. Hand sustained a writ of habeas corpus, and as we have asked for an appeal of that case and the United States attorney in New York is to write the Attorney General so recommending, Mr. Parker agreed to the view of the United States attorney's office that it would probably do more harm than good to get adverse decisions on these two in addition to the Nelson case. Accordingly an understanding was had all around that these two cases should go over for two weeks and that they would be taken up by the department again.

Both of the cases are pretty near the border line—have been so regarded right along; and Longfors was never advised at any stage of the proceedings that he was entitled to counsel. It is now recommended that the aliens be paroled on their own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

Send one copy of memo to Ellis Island and the other to Seattle.

CASE OF JAMES LUND.

The case of James Lund, bureau file 54379/44, is another case that was used quite often as a comparison. In this case, however, the character of the I. W. W. organization was clearly shown by the evidence adduced.

The various memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: James Lund.
2. Number of case (Bureau of Immigration files) 54379/44.
3. Date of warrant of arrest: First warrant, January 18, 1918; second warrant, January 18, 1919.
4. Charge upon which arrest was made: (1) That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. (2) That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: January 18, 1918, Seattle, Wash.
6. Disposition of case: (1) Alien refused offer of parole on own recognizance one year pending observation. (2) Warrant of deportation to Sweden at Government expense issued February 4, 1919. Transferred to Ellis Island. Case reopened. Alien released on own recognizance.
7. Status of case at present: Pending.

54379/44

FEBRUARY 4, 1919.

In re James Lund.

Memorandum of the Acting Secretary:

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the Commissioner of Immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teachers, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

A new hearing was accorded and the record of same is before the bureau for review. This man admits that he was a member of the I. W. W. at the time of his arrest on the previous warrant and that he has since taken no steps to renounce his affiliation with that organization. He was asked if, since his detention by the immigration authorities, the organization had not taken care of his dues, or, in other words, if, when a member of the I. W. W. is arrested and held in jail, the necessity for payment of dues on his part does not automatically cease. To this question he pleaded ignorance.

His attorney, Ralph S. Pierce, was present at the hearing and questioned the alien in the attempt to bring out the fact that he is no longer a member of the order. However, the bureau has his sworn testimony in a previous hearing, which has been incorporated into and made a part of this record, that he is a member of the I. W. W., which testimony is strengthened by his membership book showing that he joined the I. W. W. on October 26, 1917, and that his dues at that time were paid to March 1, 1918, or to a date several months subsequent to his arrest. A prima facie case is therefor established on this point by his previous sworn statement, by an exhibit in the form of his membership book, and his statement, at this hearing, that he had taken no steps to renounce his allegiance to said order. The burden of proof is now on the alien to prove that he is in fact not a member of the order, which burden he has failed to sustain, although given ample opportunity to do so. His attorney also caused to be read into the record certain testimony offered by one T. F. G. Dougherty, in the case of Axel August Hendrickson, in an attempt to show that the I. W. W., as an organization, does not teach the unlawful destruction of property. He further caused to be instered in the record certain excerpts from the works of well-known I. W. W. or other radical authors in an endeavor to prove that the word "sabotage" does not mean the unlawful destruction of property.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W. offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching and advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Sweden at Government expense.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

54379/44

MARCH 8, 1919.

In re James Lund.

Supplemental memorandum for the Acting Secretary:

Since this case was finally presented to the department in memorandum of February 4, Attorneys Lowe and Recht have made an earnest argument in alien's behalf. When the case was first summarized on November 25, the bureau recommended that the alien be released on his own recognizance for a period of one year as the evidence in hand did not clearly establish that he had been personally advocating or teaching the unlawful destruction of property. He refused to accept the release, and that circumstance was thought to justify his rearrest under the act of October 16, 1918, on the simple charge that he was a member of an organization which advocated or taught the destruction of property.

There is only a little evidence in the record that can be pointed to as justification for holding that the man has, either as a member of the organization or independently, distributed literature or otherwise advocated the unlawful destruction of property; and the bureau is satisfied from the statements made by the attorney that in this instance the previous decision is not as fully or as substantially supported as is desirable under the policy which is being followed in these cases generally. It is accordingly recommended that the alien be released on his own recognizance.

(Unsigned)

Commissioner General.

CASE OF ARTHUR J. SMITH.

The case of Arthur J. Smith, bureau file 54379/68, is one which is compared to the Lund case, just mentioned, in the memorandum ordering his release from custody at Ellis Island.

Arthur J. Smith was at one time on the organization committee of the I. W. W. He was and is one of the most persistent radical workers of that organization on the Pacific coast. He was arrested on ac-

count of said activities, in Seattle, Wash., in January, 1918, with a number of other active members of the I. W. W. organization. He was probably one of the most defiant radicals ever arrested in the United States and on several occasions after his arrest proceeded to lead a party in what is termed by members of the organization as "battleshiping" the immigration detention station; the term to "battleship" meaning to proceed to destroy and break everything in sight, including beds, chairs, tables, windows, walls, doors, etc., as fast as possible. He was removed from the detention station to the jail for his "battleship" activities on several occasions and returned to the detention station again after having given his promise to abide by the rules of that institution, which he did, each time, just so long as he saw fit. After being held for a considerable time awaiting a decision from the department he was finally paroled by the department conditionally that he keep the Seattle office advised as to his whereabouts and occupation. This he proceeded to do in his own way, which was by renewing his radical activities to such an extent that he was arrested by city authorities within a few weeks after his release on parole. A State charge was filed against him and the Bureau of Immigration so advised by wire; later the charge was dismissed on account of a technicality of which the bureau was also advised. A new warrant for his arrest was issued, and he was given another hearing and eventually ordered deported and conveyed to Ellis Island. He was released from there and immediately took active part in I. W. W. circles in New York; a short time later he returned to Seattle and renewed his radical activities with the result that it was not long before he was again arrested by city authorities and the Bureau of Immigration was again notified. The Seattle office was at first instructed to keep this alien under surveillance, but a few days later a third warrant for his arrest was issued by the department and he was again taken into custody by the Seattle immigration authorities and given another hearing on a deportation proceeding; the record of this third hearing is now before the department for decision.

The various documents pertaining to this case read as follows:

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

54379/68

To: Henry M. White, commissioner of immigration, Seattle, Wash., or to any immigrant inspector in the service of the United States.

Whereas from evidence submitted to me it appears that the alien Arthur J. Smith, who landed at an unknown port on or about the 1st day of January, 1917, has been found in the United States in violation of the immigration act of February 5, 1917, for the following, among other reasons:

That he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry into the United States.

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1918." Pending further proceedings, the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 23d day of January, 1918.

(Exact copy as signed by Louis F. Post, Assistant Secretary of Labor. Mailed January 24 by D.)

NOVEMBER 11, 1918.

54379/68.

In re Arthur J. Smith, aged 33, single, native of England, entered from Canada, presumably at Sault Ste. Marie, Mich., about nine years ago.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Spokane, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.

This man states that he has been a member of the I. W. W. for the past three years, and held the office of secretary on one occasion. He has secured new members and collected funds. He firmly stated his belief in the doctrine of sabotage as contained in the official books of the I. W. W., paragraphs from which were read to him. He further stated that he was determined to remain an I. W. W., and that, if deported, he would work for the organization in whatever country he was deported to. He has no money, property, or family ties.

Aside from the fact that, as a member of the I. W. W., he has, of course, paid dues into the treasury (thereby contributing to the distribution of its literature, teaching and advocating sabotage), there is little evidence supporting the charge first-named in the warrant of arrest. Further investigation is needed to develop the facts, and a letter showing what lines the further investigation shall follow will be written the Seattle office.

Pending this further investigation, it is believed that the ends of justice will be entirely served if alien is paroled upon his own recognizance for one year, with the understanding that he is to report to the nearest immigration officer quarterly as to occupation and conduct. It is so recommended. The allegation that he was a person likely to become a public charge falls, because the alien has been more than five years in this country.

While this case has been before the bureau, the new anarchist law has been passed and approved. As that law contains a provision authorizing the expulsion of aliens who, at any time after entry, join any organization "that advocates or teaches the unlawful destruction of property," it will be an easy matter, if the alien does not live up to the terms of his parole and the further investigation does not establish the pending charge, to start proceedings against him de novo under the new law.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

SPOKANE, WASH., NOVEMBER 19, 1918.

(Received November 21, 1918, United States Immigration Service, Seattle.)

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.

SIR: Having been arrested under a warrant issued by the Assistant Secretary of Labor and having been ordered paroled upon my own recognizance for one year upon condition that I report at regular intervals as to my occupation and conduct, I hereby promise and agree that if I am paroled upon my own recognizance for a period of one year, I will report to the nearest immigration officer and to the Commissioner of Immigration at Seattle, Wash., at regular intervals of three months, in person if practicable, as to my occupation and conduct, and that I will at all times keep the latter official advised as to my whereabouts. My address for the present will be Seattle.

ARTHUR J. SMITH.

[Telegram.]

SEATTLE, WASH., December 22, 1918.

IMMIGRATION BUREAU,
Washington, D. C.

Bureau file 54379/68 re Arthur J. Smith. This man was arrested by Seattle police for agitating and distributing literature for I. W. W. He is one of the most dangerous members we have handled. Request warrant under section 2, act October 16; reissue by wire.

WHITE.

(Following notation appears on bottom of foregoing telegram:)

12/23/18. Issue new W/A new law. Destructionist—Membership. (These being code words for charge to be placed in a new warrant.)

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

No. 54379/68.

To: Henry M. White, commissioner of immigration, Seattle, Wash., or to any immigrant inspector in the service of the United States.

Whereas, from evidence submitted to me, it appears that the alien, Arthur J. Smith, who landed at the port of Sault Ste. Marie, Mich., on or about the 1st day of January, 1910, has been found in the United States in violation of the act approved October 16, 1918, for the following, among other reasons:

That he has been found advocating or teaching the unlawful destruction of property; and that he is a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1919." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 23d day of December, 1918.

JOHN W. ABERCROMBIE,
Acting Secretary of Labor.

FEBRUARY 4, 1919.

54379/68

In re Arthur J. Smith.

Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. The alien agreed to this and signed the necessary paper. He did not live up to the terms of same, however, but almost immediately resumed agitating, and was found distributing I. W. W. literature on the streets of Seattle. For this he was arrested by the local police and again turned over to this service. Proceedings were instituted against him under the new immigration act of October 16, 1918, on the ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

At the new hearing the alien admitted that he is a member of the I. W. W. at the present time. A previous hearing, which is incorporated into and made a part of this record, shows that he has been a member of the order since 1915. The alien, at the last hearing, was not represented by an attorney. He made little or no defense to the charges in the warrant, although given every opportunity to do so. He is considered by the Seattle office as being one of the most dangerous agitators in that section of the country. The fact that after being released on parole by this department he immediately engaged in agitation and distribution of I. W. W. literature is sig-

nificant. That the I. W. W. is an organization teaching or advocating the unlawful destruction of property is well established by the nature of the literature which it publishes, sells, or disseminates, numerous excerpts from which are contained in this record.

The bureau recommends the alien's deportation to England at Government expense on the ground that he has been found a member of or affiliated with an organization teaching or advocating the unlawful destruction of property.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

FEBRUARY 4, 1919.

54379/5-23-28-50-53-44-68-76-501-134

54517/93

54547/15

COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor.

1. The bureau transmits herewith formal warrants of deportation issued to-day for the aliens, Joe Martin, Edwin Flogaus, John Leive, James Lund, Christian Lindin Johnson, August Bostrom, Arthur J. Smith, Jalmar Holm, Mrs. Peter Williamson Melta, E. E. McDonald, Axel August Hendrickson, and Herbert Harold Jackson, who will be conveyed to your port for deportation with a party which leaves the Seattle district about the 5th instant.

2. The expenses of detention and maintenance of the aliens until their deportation can be effected are hereby authorized, payable from the appropriation "Expenses of regulating immigration, 1919."

Approved:

Exact copy as signed by John W. Abercrombie, Acting Secretary.

Mailed February 5, 1919.

Exact copy as signed by A. Caminetti, commissioner general.

Inc. 397.

Incl. W. D's Nos. 382-3-4-5-6-7-8-9-90-1-2-3.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

No. 54379/68

Incl. No. 387.

To: Frederic C. Howe, commissioner of immigration, Ellis Island, New York Harbor.

Whereas, from proofs submitted to me, after due hearing before immigrant inspector W. P. Callahan, held at Seattle, Wash., I have become satisfied that the alien Arthur J. Smith who landed at the port of Sault Ste. Marie, Mich., on or about the 1st day of January, 1910, has been found in the United States in violation of the act approved October 16, 1918, to wit:

That he has been found a member of or affiliated with an organization that advocates or teaches the unlawful destruction of property, and may be deported in accordance therewith:

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to England, the country whence he came, at the expense of the appropriation "Expenses of regulating immigration, 1919." You are directed to purchase transportation for the alien from New York, N. Y., to such point in England as you may designate, at the lowest available rate, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 4th day of February, 1919.

Exact copy as signed by John W. Abercrombie, Acting Secretary of Labor.

Mailed February 5, 1919, by "B".

NAMES OF ALIENS SENT FROM SEATTLE TO ELLIS ISLAND FEB. 7, 1919.

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE, OFFICE OF COMMISSIONER,
Seattle, Wash., February 7, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

A party of deportees consisting of the aliens named below left this station on the morning of the 6th instant for New York:

Seattle file No.	Name of alien.	Bureau file No.	Seattle file No.	Name of alien.	Bureau file No.
4212-667.....	Stephano Battista.....	54149/31.	35012/456.....	John Berg.....	54379/185.
4250/487.....	Eugene E. Shutties.....	54181/323.	35012/457.....	Frank Mihalik.....	54379/186.
35012/129-11..	Ephim Kertz.....	54235/102.	35012/547.....	Wm. Fields.....	54379/416.
35012/189-21..	Aaron Slutzker.....	54235/112.	35012/548.....	Thos. Rimmer.....	54379/417.
35012/262.....	Louis Mische.....	54379/48.	35012/556.....	Alex. Kisil.....	54379/426.
35012/270.....	John Morgan.....	54379/18.	35012/570.....	Albert Osborn.....	54414/81.
35012/271.....	Joe Martin.....	54379/5.	35012/593.....	Robert W. Leonard.....	54379/493.
35012/285.....	Edwin Flogaus.....	54379/23.	35012/594.....	Chas. Bernat.....	54379/491.
35012/290.....	John Leivo.....	54379/28.	35012/598.....	Sam H. Dixon.....	54379/503.
35012/307.....	James Lund.....	54379/44.	35012/638.....	Ola Johnson.....	54554/3.
35012/312.....	Christ L. Johnson.....	54379/50.	35012/641.....	Martin de Wal.....	54517/16.
35012/315.....	August Boström.....	54379/53.	35012/659.....	Sebastian Canzor.....	54547/2.
35012/315.....	John Sheehan.....	54379/54.	35012/670.....	Alfred Johnson.....	54554/40.
35012/326.....	Joseph Mucha.....	54408/4.	35012/671.....	Magnus Otterholm.....	54517/33.
35012/336.....	Arthur J. Smith.....	54379/68.	35012/745.....	Ola Finnestad.....	54517/68-a.
35012/342.....	Jalmar Holm.....	54379/76.	35012/798.....	Alex Hendrickson.....	54517/93.
35012/348.....	William Longfors.....	54379/82.	35012/801.....	Herbert H. Jackson.....	54547/15.
35012/351.....	Charles Jackson.....	54379/86.	35012/856.....	Mrs. Peter W. Malta.....	54379/134.
35012/379.....	Kazis Maskalunas.....	54379/101.	35012/860.....	Oscar E. Olson.....	54353/008.
35012/405.....	Leonard Van Hartman.....	54379/118.	35012/84.....	Ferdinand Scordo.....	54411/117.
35012/412.....	Fritz Holm.....	54379/114.	35059/237.....	Chas. P. Emerson.....	54379/13.
35012/440.....	Peter W. Malta.....	54379/134.	35059/243.....	Sol Ehrlich.....	54379/12.
35012/452.....	McG. S. Ross.....	54379/183.	35059/981.....	E. E. McDonald.....	54379/501.
			35552/2-3.....	Donald McPherson.....	54517/54.

Shutties, Mische, Battista and McDonald joined the party at Spokane on the evening of the 6th instant, Battista and Shutties having been delivered at that station, by Immigrant Inspector M. C. Faris of Walla Walla, Wash. Mucha was brought from the Reformatory at Monroe, Wash., by Inspector Conway Thomson. Scordo and Leonard were delivered from Portland by Inspector Bonham. The other members of the party had been detained at this station.

The party is in charge of clerk A. D. H. Jackson who is accompanied by the following named attendants: Inspector Trent Doser, Inspector Chas. E. Shelby, Watchman Fred E. Bates, Dr. A. Jeff. Nelson, L. L. Finnegan, Hugh Kellman, J. P. Iverson, Robert E. Cadden, Walter Dench, Charles E. Cook, Archie Strange, G. A. Bergstrom, D. B. Dickson, Norman Henderson, and Genevieve Doser.

The party is routed as follows: Northern Pacific to St. Paul, Chicago Milwaukee & St. Paul to Chicago, Nickel Plate to Buffalo, Delaware, Lackawanna & Western to Hoboken.

JOHN H. SARGENT,
Acting Commissioner.

MARCH 14, 1919.

No. 54379/68.

In re Arthur J. Smith,
Supplemental memorandum for the Acting Secretary:

This case in every material respect corresponds to that of James Lund (54379/44), submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN H. ABERCROMBIE, *Acting Secretary.*

Report made by R. W. Finch; where made, New York City; date made, April 9, 1919; period for which made, April 4.

Title of case and offense charged or nature of matter under investigation: Ross McGregor and Arthur J. Smith, deportees released from Ellis Island; I. W. W. activities.

It has been brought to our attention that Ross McGregor (or McGregor Ross) and Arthur J. Smith, who were among the men brought from the west coast for deportation, have been subsequently released from Ellis Island. They are both British subjects.

Immediately after their release they celebrated by attending a meeting at 359-a Third Avenue, New York, on March 26, which was convened to form an I. W. W. branch in that locality. Nineteen new members were initiated. Ross had with him credentials from the deportees at Ellis Island. He stated at the meeting that he had been in the movement since 1886. He spoke on conditions of the Seattle strike and of the conditions at Ellis Island. He stated that he was a delegate of the construction workers on the west coast, especially in Seattle. At the same meeting a man named Golden spoke regarding the general strike in England, expressing the hope that the workers get full control of the shops, just as in Russia.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., August 6, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

I invite your attention to the case of Arthur J. Smith, Bureau No. 54379/68. Pursuant to instructions contained in bureau telegram of March 17, 1919, this alien was on that date released from custody. His whereabouts is unknown. Please advise me what disposition you wish me to make of the outstanding warrant of deportation, this being an open case in my office files.

For the Commissioner.

P. A. BAKER, *Superintendent.*

AUGUST 9, 1919.

COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor:

Answering your letter of the 6th instant, No. 98749/267, you are advised that the warrant of deportation issued in the case of the alien, Arthur J. Smith, should be retained on file in your office, in the hope that he may eventually be located. Please bring the case to the bureau's attention about January 1, 1920.

For the commissioner general.

Exact copy as signed by Alfred Hampton, assistant commissioner general.

Mailed August 9, 1919, by B.

OFFICE OF THE COMMISSIONER,
Seattle, Wash., November 19, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

Having reference to bureau file No. 54379/68, case Arthur J. Smith, there is quoted below, for the bureau's information, report received from the Department of Justice, this city, covering the alien's arrest by the city police in a raid on the I. W. W. headquarters:

"In re Arthur J. Smith, I. W. W. activities. At Seattle, Wash., Arthur J. Smith was arrested by the city police in room 317 Pioneer Building, and was interrogated by this employee (George W. Berg) at the city jail on this date (November 15, 1919). Smith is 34 years old, born July 8, 1885, Liverpool, England. He refused to answer questions, but states that the United States Immigration authorities have his record. He is a radical I. W. W. and was sent to the east coast to be deported. Recommend deportation."

HENRY M. WHITE, *Commissioner.*

DECEMBER 7, 1919.

IMMIGRATION SERVICE, *Seattle, Wash.:*

Keep Arthur J. Smith under surveillance, investigate fully, and wire for new warrant of arrest on any ground found appropriate to the facts.

CAMINETTI.

Attest.

Exact copy as signed by A. Caminetti, Commissioner General.

Mailed 12-7 by W.

[Telegram.]

SEATTLE, WASH., *December 8, 1919.*IMMIGRATION BUREAU,
Washington.

Bureau telegram, 7th instant, re Arthur J. Smith. Criminal charge on which this alien has been held dismissed this date; so far as can be ascertained, no additional ground for deportation of this alien, other than those on which he was ordered deported in 1918. Have requested authorities to hold him until an expression can be obtained from the bureau, as to what action if any, they desire.

WHITE.

(Following notation appears on bottom of foregoing telegram:)

Mr. CAMINETTI: Prepare supplemental memorandum revoking order, releasing, on his own recognizance, and direct that he be taken into custody at once for deportation.

DECEMBER 9, 1919.

In re Arthur J. Smith.

Memorandum for the Acting Secretary.

A review of the history of this case, which has been before the bureau for a long time, will be found in the various bureau memoranda indicated at markers. Under date of February 4, 1919, a warrant of deportation issued for this man, directing his deportation to England at Government expense, on the ground that he has been found a member of or affiliated with an organization that advocates or teaches the unlawful destruction of property. On March 14, 1919, it was directed that he be released upon his own recognizance, and the order of deportation was not carried out. His release took place at New York, N. Y., to which point he had been conveyed from Seattle, Wash. Immediately after such release he returned to his old haunts on the north Pacific coast and was later found engaged in further radical activities, whereupon he was picked up by the local police. A criminal charge was also placed against him by the local authorities, but it seems that he was not found guilty of this.

While the last warrant of arrest contained only the "membership" charges, a review of the evidence would indicate that he distributed I. W. W. literature and presumably such literature advocated and taught sabotage, as does practically all the literature of this organization.

It is accordingly recommended that a new warrant of arrest issue for this man on the grounds that he has been found a member of or affiliated with an organization that advocates the unlawful destruction of property; that he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

[Telegram.]

SEATTLE, WASH., *December 16, 1919.*IMMIGRATION BUREAU,
Washington, D. C.:

See my wire December 8 relative Arthur J. Smith. Local authorities refuse to hold Smith longer without warrant. Wire instructions.

WHITE.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

To Henry M. White, commissioner of immigration, Seattle, Wash., or to any immigrant inspector in the service of the United States:

Whereas from evidence submitted to me it appears that the alien, Arthur J. Smith, who landed at the port of Sault Ste. Marie, Mich., on or about the 1st day of January, 1910, has been found in the United States in violation of the act approved October 16, 1918, for the following among other reasons:

That he is a member of or affiliated with an organization that advocates the unlawful destruction of property; that he is a member of or affiliated with an organization that teaches the unlawful destruction of property; that he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1920." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 10th day of December, 1919.

Exact copy as signed by John W. Abercrombie, Acting Secretary of Labor.

DECEMBER 18, 1919

IMMIGRATION SERVICE,
Seattle, Wash.:

New warrant of arrest for Arthur J. Smith mailed you on 11th instant. Wire if it has not been received.

CAMINETTI.

Attest:

Exact copy as signed by A. Caminetti, Commissioner General.

Mailed December 18, 1919 by ———.

OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., January 3, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

As requested in your letter of August 9 last, No. 54379/68, your attention is directed to the case of the alien, Arthur J. Smith. Please advise what disposition I shall make of the outstanding warrant of deportation.

BYRON H. UHL, *Acting Commissioner.*

FEBRUARY 25, 1920.

In re Arthur J. Smith.

Supplemental memorandum for the Acting Secretary.

For a review of the history of this alien your attention is invited to the various bureau memoranda indicated at markers.

The first memorandum prepared by the bureau in this case recommended deportation.

This memorandum was not submitted to the department, but another one was substituted, in which the recommendation was made that the alien be paroled upon his own recognizance for one year with the understanding that he was to report to the nearest immigration officer quarterly as to occupation and conduct. It was stated in the memorandum that if the alien did not live up to the terms of his parole his case could be taken care of under the terms of the new anarchy act.

Shortly after his release he was arrested by the Seattle police for agitating and distributing I. W. W. literature, whereupon the department issued a new warrant containing the membership charges under the terms of the act of October 16, 1918.

Upon the facts secured under this warrant the alien was ordered deported to England, and he was conveyed to New York for that purpose in February, 1919. In March of the same year, after his arrival at Ellis Island, the bureau and department again permitted his release upon his own recognizance, and the alien returned to Seattle. In November, 1919, he was again arrested by the Seattle police during a raid on the I. W. W. headquarters there. He refused to answer questions asked him by the police and stated that the United States immigration authorities had his record.

In December last the department issued a third warrant for this man on the grounds that he is a member of or affiliated with an organization that advocates the unlawful destruction of property; that he is a member of or affiliated with an organization that teaches the unlawful destruction of property; that he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property. The record of the hearing under this third and last warrant has now been received.

The alien admitted his identity, but refused to answer questions as to his activities. He stated, however, that the evidence given by him at the first hearing was true and that he stood by it. He says that he has maintained his membership in the I. W. W. organization and will continue to do so; that at the time of his last arrest he had a membership ticket in his possession and credentials as an organizer and delegate. He further says that it is his desire to educate his fellow men and that he believes in and has taught the principles and tenets of the I. W. W. He stated that outside of his first and original record of hearing he would say nothing. In view of his refusal to answer questions, it will be necessary to refer to the first record of hearing.

At that time the examining officer read into the record excerpts from certain well-known official pamphlets of the I. W. W. and the alien admitted his belief in practically all of them. For instance, an excerpt from the pamphlet entitled "The I. W. W., Its History, Structure, and Methods," by Vincent St. John, was read to the alien as follows: "As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us." The alien was asked if these views met with his approval and he replied: "That is correct in more ways than one. Yes; that is correct. That is my doctrine."

The definition of sabotage by Walker C. Smith, a recognized authority, was read to him, which is as follows: "Sabotage is a direct application of the idea that property has no rights that its creators are bound to respect." He said that that definition met with his approval, adding that it said nothing about destruction. There was also read to him Walker C. Smith's statement: "In short the I. W. W. advocates the use of militant 'direct action' tactics to the full extent of our power to make good." When asked if that was his doctrine the alien answered: "That is right." He also approved of the following I. W. W. doctrine from Walker C. Smith's book: "What is more civilized than for workers to create power that refuses to explode? What is more civilized than to work slow and thus force employers to give a living to more of the unemployed? What is more civilized than to spike the guns when they are trained on our working class brothers in other countries? Realizing that the railroads are the arteries of commerce, the capitalists of this country have practically purchased the engineers by a high wage and the establishment of an aristocracy of labor. But a few rebels are bound to creep into their ranks. A bar of soap in the boiler would keep the soldiers at home or else force them to march to the strike. If this were not possible there are water tanks where the tender must be filled and the saboteur can 'Let the Gold Dust Twins do the work.'"

The foregoing are only a small part of the teachings of the sabotage doctrine of the I. W. W. as set forth in their official literature and in the literature distributed and sold by them. The alien admits that he firmly believes in not only the foregoing doctrines, but all of the I. W. W. principles and tenets.

In this connection attention is again called to the alien's statements wherein he says that he is a delegate and organizer and desires to educate and teach his fellow men in the I. W. W. doctrine.

The bureau is of opinion that alien is guilty of teaching and advocating the unlawful destruction of property and upon these grounds recommends his deportation to England at Government expense.

(Unsigned)

Commissioner General.

CASE OF M'GREGOR S. ROSS.

The case of McGregor S. Ross, bureau file 54379/183, is one of the cases in which the complete file of the Bureau of Immigration has in some manner, unexplained, completely disappeared. The case originated in Seattle, Wash., and a copy of the Seattle office file has been obtained. While this copy does not contain any of the bureau memoranda or data that would give an idea of how the various decisions in this case were arrived at, it does, however, give a very fair idea of the main points of the case. The record is voluminous, but shows in brief as follows: McGregor S. Ross was a district organizer for the I. W. W. organization with headquarters at Port Angeles, Wash. He was arrested upon arrival at Seattle from Port Angeles as a delegate from the latter place to an I. W. W. convention to be held at Seattle. He was questioned concerning his beliefs and activities and stated that he believed in the I. W. W. doctrine as set forth in their literature, concerning which he was specifically questioned. Among other things he stated he believed in the doctrine of sabotage and the "workers" taking control of the earth. He admitted that he had, as an organizer and delegate for the I. W. W. organization, been active in spreading these teachings. His original arrest was made on a departmental warrant dated March 16, 1918, charging him with advocating and teaching the unlawful destruction of property. He was accorded a hearing on this charge and eventually a warrant for his deportation was issued by the Acting Secretary of Labor.

The date of said warrant of deportation being December 5, 1918. Under date of December 16, 1918, however, a new warrant of arrest was issued by the Department of Labor charging this alien with violation of the act of October 16, 1918, in that he was a member of, or affiliated with an organization advocating the overthrow by force or violence of the Government of the United States, etc. It was decided, however, not to use this new warrant but to deport this alien in compliance with the warrant of deportation under the act of February 5, 1917. He was accordingly transferred from Seattle to New York for deportation with a party of deportees leaving Seattle February 6, 1919. It seems that soon after his arrival in New York he was released from custody. The grounds upon which he was released is not shown by the Seattle file, as that office was not advised concerning his release. While held in the detention station at Seattle awaiting an order of deportation Ross continued his activities for his organization by initiating new members into the organization among other aliens detained with him on various charges. He was also a close follower of Arthur J. Smith, just mentioned, in his efforts to "battleship" the detention station. Shortly after his release at New York he attended I. W. W. meetings in New York and then proceeded West. He was soon heard of again at Port Angeles where he was working even more actively for the I. W. W. organization than he had been prior to his original arrest. His activities became so flagrant that the county authorities reported the matter to the Seattle office, which in turn reported to the bureau.

Finally the county authorities, failing to obtain relief from the Immigration Service, arrested Ross on a State criminal syndicalism charge which was also reported to the bureau together with a

detailed report of the alien's activities subsequent to his release. At first the Seattle office was advised by the bureau that the original warrant of arrest for Ross was "still in full force and effect." Later, however, the department issued another warrant for the alien's arrest and instructed that same be served on him and that he be given another hearing on a deportation proceeding. This was done and the matter is still pending before the department. The last hearing shows that Ross, in addition to being very active in connection with the I. W. W. organization, was also actively affiliated with the Union of Russian Workers, an anarchist organization.

As before stated, there is nothing in the Seattle file to indicate what showing was made to cause the department to release this alien after the Government had been put to the expense of transporting him from Seattle to New York for deportation. However, the record in the present proceeding would indicate that the Government will be obliged to again pay the expense of transporting this alien from Seattle to New York.

CASE OF MAGNUS OTTERHOLM.

The case of Magnus Otterholm, bureau file 54517/33, is that of another alien who was extremely active as an agitator on the Pacific coast. He was a prominent member of the I. W. W., and after being ordered deported was transferred from Seattle to New York and later released. While under arrest in Seattle he followed the lead of Arthur J. Smith, previously mentioned, and assisted him to "battleship" the detention station.

Memoranda pertaining to his case, as copied from the files of the Bureau of Immigration, read as follows:

UNITED STATES DEPARTMENT OF LABOR BUREAU OF IMMIGRATION, Washington.

1. Full name of person arrested: Magnus Otterholm, or Magnus Anderson Otterholm.
2. Number of case (Bureau of Immigration files): 54517/33.
3. Date of warrant of arrest: August 12, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property.
5. Date and place of arrest: August 12, 1918; Seattle, Wash.
6. Disposition of case: Warrant of deportation to Norway at Government expense issued January 19, 1919. Transferred to Ellis Island pending deportation. Paroled.
7. Status of case at present: Pending.

54517/33.

OCTOBER 28, 1918.

In re Magnus Otterholm, or Magnus Anderson Otterholm, aged 42, single, native and subject of Norway; entered, presumably, at New York ex-steamship *Majestic*, in March, 1918.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Seattle, Wash., on the ground that he has been found advocating or teaching the unlawful destruction of property. Section 19 of the immigration act provides that "any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property * * * shall, upon the warrant of the Secretary of Labor, be taken into custody and deported."

This man claims that he has been a member of the I. W. W. for about one year, and since May of this year has carried credentials as organizer and delegate, collected money, and paid dues. While he admitted that he believed in the principles and tenets of the I. W. W., when paragraphs were read to him from the official literature of this organization, he attempted in many instances to hedge, refusing to commit himself as to his approval of same. At any rate, he has been an active member and

an agitator, and has supported the doctrine of sabotage to the best of his ability, despite his denial of belief in such doctrine. This man has a criminal record, admitting that he served more than two years in the Washington State Penitentiary at Walla Walla for grand larceny, and again for about the same period in that institution for forgery. In addition to this he has been confined in jail on a number of occasions for drunkenness or minor offenses.

It should be observed that, while (necessarily) repeated references are made to the I. W. W. and alien's membership therein, it is not alien's membership, but what he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The bureau is convinced that this man is guilty of the charge in the warrant of arrest, and upon that ground has to recommend his deportation to Norway at Government expense when possible. Until then, he should be kept in detention under default of bond, as it is believed he is not a safe person to be allowed at large upon his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

54517/33.

MARCH 14, 1919.

In re Magnus Otterholm.

Supplemental memorandum for the Acting Secretary.

This case was brought to the attention of the department in bureau memorandum of October 28 last, and a warrant issued for the alien's deportation on November 19 on the ground that he had been found advocating or teaching the unlawful destruction of property. A strong argument has been made in the alien's behalf by Attorneys Lowe and Recht (representing the I. W. W.), and on the basis of their representations the record has again been reviewed at length. While the alien has not admitted that he distributed the literature of the organization in which the unlawful destruction of property is taught, the record, taken as a whole, shows so clearly the participation of the alien in building up the organization, both as to its membership and as to its finances, and it is so well established from the numerous records of similar cases now before the bureau that it is a part of the duties of those engaged in this work to distribute such literature, that there seems to be no room for doubt of the alien's participation in that particular part of the work. Moreover he has aided the distribution of such literature by the work which he had admittedly done, so that the record seems ample to justify the conclusion reached by the bureau and the department that the alien has been advocating or teaching the unlawful destruction of property. From a purely technical standpoint, the case might be regarded as close. Taking the record as a whole, however, and endeavoring to have regard for what seems to be its substantial elements, there seems to be little, if any, doubt that Otterholm has been spreading the doctrine of unlawful destruction of property. The record shows that the alien applied for a writ of habeas corpus in the Western District of Washington, but that his attorney entered into a stipulation with the United States attorney agreeing that an order denying the application should be entered because the case was so similar to others in which the court had denied the writ.

The bureau recommends that the petition for reopening the case be denied.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

54517/33.

APRIL 19, 1919.

COMMISSIONER OF IMMIGRATION,

Ellis Island, New York Harbor.

The bureau refers to the case of Magnus Anderson Otterholm, who has been delivered at your port from the Pacific coast, for deportation, and advises that, by direction of the Acting Secretary, the alien may be paroled from custody upon his own recognizance until his case is finally disposed of. For your information a copy of the bureau's memorandum of April 17 is inclosed herewith.

For the Commissioner General.

Exact copy as signed by Alfred Hampton, Assistant Commissioner General.

Mailed 4-21-19.

(The memorandum of Apr. 17 mentioned appears in case Wm. Longbors before quoted.)

CASE OF CHRIST L. JOHNSON.

The case of Christ L. Johnson, bureau file 54879/50, is that of another alien who was an active and radical member of the I. W. W. organization. Johnson was ordered deported and transferred from Seattle, Wash., to New York for deportation. He was released shortly after arriving in New York and was next heard of in Omaha, Nebr., where he was arrested by the city authorities and again the subject of investigation by the United States Immigration Service. Papers pertaining to this case, as copied from the bureau files, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Christ L. Johnson.
2. Number of case (Bureau of Immigration files): 54379/50.
3. Date of warrant of arrest: January 19, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 19, 1918; Seattle, Wash.
6. Disposition of case: The first charge above noted not being fully sustained, alien was rearrested under the act of October 16, 1918, on the ground that he "was a member of an organization advocating or teaching the destruction of property," which charge was sustained and his deportation to Norway at Government expense directed. Was removed to Ellis Island for deportation and writ of habeas corpus applied for in southern district of New York. Pursuant to understanding had in similar cases, alien was paroled on his own recognizance.
7. Status of case at present: Pending. Alien paroled.

54379/50

FEBRUARY 4, 1919.

In re Christ L. Johnson.

Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in previous bureau memorandum indicated at marker, to which your attention is invited.

It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle at regular intervals of three months as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following grounds:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

A new hearing has been accorded and the same has been reviewed by the bureau. At this hearing the alien refused to swear or to affirm as to the truth of his statements, and same therefore should not receive full credence. He also refused to answer any and all questions as to his membership or connection with the I. W. W. The bureau calls attention to his sworn testimony in a previous hearing, which has been incorporated into and made a part of this record, wherein he states that he is a member of the I. W. W., and exhibited his membership book in support of this statement, indicating that he joined in August or September, 1916, and that his dues were then paid to February, 1918, or to a date subsequent to his arrest. Therefore the bureau has

established a prima facie case on the point of member by his previous sworn statement and his membership book, and the burden is now on the alien to prove that he is not. His refusal to answer questions on this point would seem to be a tacit admission that he is a member of the I. W. W., rather than any proof that he is not.

His attorney has had read into the record the testimony of T. F. G. Dougherty offered in the case of one Axel August Hendrickson in the attempt to show that the I. W. W. organization does not teach or advocate the unlawful destruction of property; also excerpts from the works of certain well-known I. W. W. and other radical authors tending to show that the term "sabotage" does not mean unlawful destruction of property.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member or a leader in the I. W. W., offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau, this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching or advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Norway at Government expense.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

54379/50.

MARCH 14, 1919.

In re Chris Johnson.

Supplemental memorandum for the Acting Secretary.

This case in every material respect corresponds to that of James Lund (No. 54379/44), submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

UNITED STATES DEPARTMENT OF JUSTICE,
BUREAU OF INVESTIGATION,
OMAHA DIVISION,
December 18, 1919.

Mr. O. B. HOLTON.

Immigrant inspector, Omaha, Nebr.

DEAR SIR: In accordance with your request, I make the following statement concerning my knowledge of Chris L. Johnson and his attitude toward the Government and Government officials:

On November 18, 1919, I interviewed him at the Omaha police station in connection with his arrest by the police on the following day when I. W. W. headquarters in Omaha were raided. At that time he gave his age as 42 years, but refused to answer further questions as to his nationality, race, and citizenship. In reply to my questions he replied "that the Government had all this information concerning him." After considerable urging he did tell me that he was a native of Norway and that he had been arrested in Seattle, Wash., by the immigration authorities and had been held there 14 months awaiting deportation; that he, together with others, was delivered at Ellis Island, N. Y., en route to Europe, but that he was released with a number of others from Ellis Island and his deportation was not effected.

He refused absolutely to furnish any other information about his entrance into the United States or his movements here since arrival. His attitude was that of bitterness toward Government officials because of his period of confinement in Seattle. I can not recall his remarks at this time, but at any rate it was in the spirit of criticism because of his confinement at Seattle.

On November 16, I talked with Johnson at I. W. W. headquarters. He joined with others in expressing disapproval of the existing economic conditions in this

country, and Johnson was one of the number who approved of the present Russian Government and he expressed his hope and belief that the day is near when the workers in this country will bring about the social revolution in the United States which is to emancipate all the "slaves."

As there was a number of others talking on the same subject and each interspersed his views, I am unable to recall the language used by Johnson or the extent of his remarks, but at any rate he said sufficient to convince me that he is a rabid advocate of the I. W. W. principles and a firm believer in their doctrine of an industrial revolution which will entirely change the present order of things, both with respect to our form of government and the relations which now exist between the employer and the employed.

Very truly, yours,

JAMES H. DALY,
Special Agent in Charge.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF INSPECTOR IN CHARGE,
1305 Chemical Building, St. Louis, Mo., February 2, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Referring to bureau letter of the 26th ultimo, No. 54379/50, I have to report that letter just received from Inspector Brashear, of our Omaha office, states that the alien, Christ L. Johnson, was released from jail on December 1, 1919, under bond pending the determination of his appeal to the district court. Inspector Brashear reports that the present whereabouts of the alien are unknown, but that he will endeavor to locate him and to keep him under surveillance.

JAMES R. DUNN, *Inspector in Charge.*

CASE OF PETER WILLIAMSON MELTA.

Peter Williamson Melta, or as he was commonly known, Peter Williamson, bureau file 54379/134, was secretary and treasurer of the Lumber Workers' Local No. 500 of the I. W. W. organization, located at Raymond, Wash. It was there he was arrested on a deportation proceeding after he had served a term upon a conviction under the State law growing out of his activities in said organization. He was extremely radical and active. He had been denied citizenship shortly before his arrest; the cause of this denial was his activities in the I. W. W. He was transferred from Seattle to New York for deportation and later released. The next heard of him was in Duluth, Minn., where he became the editor of an I. W. W. paper printed in the Finnish language. It is understood that he was arrested some months ago by the city authorities at Duluth, but as to just what was the outcome of his case I am unable to state.

Documents pertaining to his case, as copied from the files of the Bureau of Immigration, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Peter Williamson Melta (or Merta), alias Peter Williamson, alias Peter M. Williamson.
2. Number of case (Bureau of Immigration files): 54379/134.
3. Date of warrant of arrest: First warrant, March 1, 1918; second warrant, December 13, 1918.
4. Charges upon which arrest was made: (1) That he has been found advocating or teaching the unlawful destruction of property. (2) That he has been found advocating or teaching the unlawful destruction of property; and that he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States

or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

5. Date and place of arrest: (1) April 30, 1918, North Yakima, Wash.; (2) warrant of arrest not executed; originated in Seattle, Wash., office.

6. Disposition of case: (1) Writ of habeas corpus denied. Warrant of deportation to Finland at Government expense issued January 13, 1919. Transferred to Ellis Island for deportation. Paroled on \$500 bond.

7. Status of case at present: Deportation pending issuance of passport by provisional Finnish minister.

JANUARY 3.
DECEMBER 12, 1918.

In re Peter Williamson Melta, alias Peter Williamson, alias Peter M. Williamson, aged 32, native and citizen of Finland, last entered at Vancouver, British Columbia, in December, 1907.

Memorandum for the Acting Secretary.

The above named alien was arrested at (Raymond) North Yakima, Wash., on the ground that he has been found advocating or teaching the unlawful destruction of property.

This man states that he is not only a member of the I. W. W. but has been an active worker in the organization, holding the office of organizer and delegate for a considerable time. He was also secretary of this organization at Raymond, Wash. The evidence shows that he applied for final citizenship papers in the superior court at South Bend, Wash., but was denied same on account of his affiliation with the I. W. W. At the time of his arrest there was found in his room a complete organizer's and secretary's outfit consisting of blanks and literature. This man admits having been arrested on four previous occasions, twice for drunkenness, for which he received a fine of \$10 on each occasion and twice on vagrancy charges, resulting in his serving short jail sentences. Not only does he admit his belief in the doctrines and tenets of the I. W. W. organization, as set forth in its official literature but he has taken an active part in the distribution of such literature while serving in the capacity of secretary, organizer, and delegate. The official literature mentioned advocates and teaches sabotage or the unlawful destruction of property.

The bureau is of opinion that this man by his acts, if not by word of mouth, is guilty of advocating or teaching the unlawful destruction of property as charged in the warrant of arrest, and upon that ground has to recommend his deportation to Finland at Government expense.

A. CAMINETTI,
Commissioner General.

Approved:

LOUIS F. POST, *Acting Secretary.*

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, N. Y., July 31, 1919.

CHARLES RECHT, Esq.,
47 West Forty-second Street, New York City.

DEAR SIR: I acknowledge receipt of your communication of July 29, in reference to Mr. and Mrs. Merta. In reply thereto I have to advise you that appropriate steps are being taken by the Washington authorities to obtain the required official documents whereby Mr. and Mrs. Merta may be returned to Finland and unless such efforts fail—and I have no reason at the present time to believe that they will—it does not seem proper that either of the aliens should be released on bond. You state that "Mrs. Merta is on Ellis Island of her own free will in order that she might be with her husband." The records of this office show that the Acting Secretary of Labor has ordered her deportation upon the ground "that she has been found a member of or affiliated with an organization that advocates or teaches the unlawful destruction of property."

I note that you enter a protest "against what practically amounts to the solitary confinement of this woman." You are informed that she is not in solitary confinement. Almost immediately after the deportation of the "Roy Sisters" Mr. Merta was given permission to visit his wife at any and all times he pleased during the day,

and had availed himself of that privilege. Very properly Mrs. Merta has not been permitted to remain in the room set aside for her detention of the men, nor do I know that she desired, or desires to do so. I do not know the source of the information upon which you made your statement, but the fact is that she has not been "separated from her husband and kept in a room alone all day, with the exception of the brief respite of two hours a day."

Respectfully,

BYRON H. UHL,
Assistant Commissioner.

Copy respectfully referred to the Commissioner General of Immigration, for his information, reference being made to his file No. 54379/134.

BYRON H. UHL,
Assistant Commissioner.

(Unsigned memorandum in bureau files:)

PETER MERTA.

Bureau No. 54379/134.

Page 4, hearing of March 1, 1918: Was secretary of the I. W. W. at Raymond, Wash.

Page 5: Was a delegate of the organization both before and after he was secretary; part of his duties as secretary was to distribute literature amongst the delegates and to perform that duty.

Page 7: Did not have much supplies in his room when apprehended, as he had just got in. (His meaning is that he had just returned from a temporary absence.)

Page 12: As an organizer he distributed the book *The I. W. W., Its History, Structure, and Method*, by Vincent St. John.

Page 13: St. John's book, above mentioned, is published by the I. W. W. organization, and the label on it is the I. W. W. label; money obtained from the sale of the book goes into the funds of the organization; admits, reluctantly, that he has sold books and collected money, and that in doing these things he was assisting and spreading the organization's propaganda.

Pages 13-14: Sees nothing wrong in the declaration in St. John's book that the I. W. W. uses any and all tactics that will get the result sought, in the quickest manner; that the tactics are determined solely by the power of the organization to make good in their use; that the question of right and wrong does not enter into the matter but that he does not believe in some of the other teachings in the book.

(Pages 13 and 14 might be read in their entirety, as they are important in this case and are a strong light on all of the cases.)

NEW YORK, *August 11, 1919.*

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

SIR: In re Mr. and Mrs. Peter Williamson Merta, No. 98524/19: Referring to my recent conference with you, I beg to suggest that in view of the impossibility of immediate deportation of these aliens that they be let out on bail of \$500 each, and in the event of their release that the deportation be suspended for a sufficiently long time to permit them to obtain positions and earn a little money before they are deported to Finland. I sincerely hope you will give this immediate attention, remembering the facts I brought to your mind personally when I saw you.

Respectfully,

CHARLES RECHT, *Counselor at Law.*

DEPARTMENT OF JUSTICE,
Washington, D. C., February 19, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: It has come to my attention that one Peter William Merta, of Seattle, Wash., who was a member of that party of 50 or more aliens transported from the West to New York for deportation last winter, is now in Duluth, Minn., and

is one of the editors of the *Industrialisti*, a Finnish daily published at Duluth. I am informed that this alien was detained at Ellis Island for some time, but was recently released on bond or parole.

Will you kindly advise me what the status of this case is? If this alien is now out on bond, the amount of such bond.

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

CASE OF CHARLES BERNAT.

The case of Charles Bernat, bureau file 54379/491 is that of an alien who at the time of his arrest was the secretary and treasurer of local No. 700 branch of the I. W. W. organization. He had been very active in promoting the teachings and interests of that organization and his arrest grew directly out of these activities. He was transferred from Seattle to New York for deportation after he had applied for a writ of habeas corpus in the United States district court at Seattle and said writ had been denied. He applied for a writ after he arrived in New York, which was also denied; he was then released on bond, although the United States attorney at New York advised the Bureau of Immigration, by letter under date of July 7, 1919, that he could see no reason why this alien, and several others mentioned, should not be deported.

Documents copied from the files of the Bureau of Immigration, pertaining to this case, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
Seattle, Wash., August 8, 1918.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Referring to bureau file 54379/491, I transmit herewith the record of the hearing accorded Charles Bernat, arrested under Secretary's warrant of June 4, 1918, and now detained at this station in default of bond.

The alien has not availed himself of the privilege of securing an attorney.

I concur in the recommendation of the examining inspector who recommends that the alien be deported on the ground that he has been found advocating or teaching the unlawful destruction of property.

JOHN H. SARGENT,
Acting Commissioner.

SEATTLE, WASH., November 25, 1918.

IMMIGRATION BUREAU, Washington.

Habeas corpus hearing cases Michel Brech, Peter Zibrands, Charles Bernat, bureau files 54379/422/181/491, set for to-day as reported in my wire of 18th instant. Were continued by Judge Neterer until December 2 in order to give Secretary opportunity render decision and mail original records Seattle.

WHITE.

In re Charles Bernat, aged 39, single, native and subject of Russia, entered without inspection, presumably at Tacoma, Wash., in 1902.
Memorandum for the Acting Secretary.

The above-named alien was arrested at Seattle, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry.

This man has been a member of the I. W. W. for the last 10 years; has carried credentials as a delegate and organizer, and recently held the office of secretary of branch No. 500. His duties as secretary were to distribute literature, collect dues, handle accounts, and solicit new members, although he says that very little literature was sent out by his office. He admits having aided and supported the organization in

every way that he could. He is a man of fair intelligence, yet attempted to plead ignorance when questioned as to his beliefs in the principles and tenets of the I. W. W. A review of the testimony, however, shows clearly that he does believe thoroughly in propaganda taught in the official books and pamphlets of the organization, although he endeavored to evade when particular paragraphs were brought to his attention.

It should be observed that, while (necessarily) repeated reference is made to the I. W. W. and alien's membership therein, it is not alien's membership, but what he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The evidence is clear in this case that the above-named alien has by his acts aided and supported the doctrine of sabotage as taught by the I. W. W. It is therefore recommended that he be deported to Russia, at Government expense, when possible, on the ground that he has been found advocating and teaching the unlawful destruction of property. Until then he may be paroled under the terms of rule 17-A. (See bureau circular of June 29, 1918.)

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

[Telegram.]

DEPARTMENT OF LABOR,
Seattle, Wash., January 1, 1919.

IMMIGRATION BUREAU,
Washington, D. C.:

Informed attorney for Charles Bernat No. 54379/491 requesting bond be fixed \$1,000. I oppose releasing said alien under bond, any amount. He is ringleader, and wants release in order to participate in activities now being renewed.

WHITE.

JANUARY 14, 1919.

IMMIGRATION SERVICE, *Seattle, Wash.:*

Do not believe advisable, refuse Charles Bernat bond. Relay 50.

POST.

Attest.

Exact copy as signed by Louis F. Post, Assistant Secretary.

Mailed 1-1419 by B.

(NOTE.—Relay 50 means release on \$5,000 bond.)

JANUARY 15, 1919.

RALPH S. PIERCE,
607 Central Building, Seattle, Wash.:

Bureau convinced after careful consideration evidence deportation Charles Bernat justified, in which court concurs. No effort will be made deport your client without giving him reasonable opportunity to have case decided on appeal. However, in view his reputation agitator and trouble maker, bureau will not consider release on bond less than five thousand.

CAMINETTI.

Attest.

Exact copy as signed by A. Caminetti, Commissioner General.

DEPARTMENT OF LABOR,
Seattle, Wash., January 14, 1919.

IMMIGRATION BUREAU,
Washington, D. C.:

Charles Bernat, 54379/491, confined Seattle, Wash., requests release \$1,000 bail pending deportation. Prior to deportation order bail fixed one thousand by local commissioner, warrant November 29, 1918, ordered deportation deferred until definite plans for deportation to Russia made and authorized release under rule 18-A. Bernat, confined since June 3, is suffering from eczema and needs change of air and diet. Can not furnish bail in excess of \$1,000. Answer collect.

RALPH S. PIERCE,
607 Central Building.

MARCH 14, 1919.

In re Charles Bernat (and Sam Dixon).
Supplemental memorandum for the Acting Secretary.

Both of these aliens were ordered expelled under the act of February 5, 1917, on the ground that they had been found advocating and teaching the unlawful destruction of property. In both cases the evidence shows that the men had been more or less active in distributing literature advocating and teaching the unlawful destruction of property. In both writs of habeas corpus were sued out, and Judge Neterer in dismissing the writs stated:

"There are several ways by which a person may teach or advocate. It need not be from the public platform or through personal utterances to individuals or groups, but may be done as well through written communications, personal direction, through the public press, or through any means by which information may be disseminated, or it may be done by the adoption of sentiment expressed, or argument made by others which are distributed to others for their adoption and guidance."

In this decision the court reviewed at considerable length the literature distributed by the I. W. W. and by the two aliens while they were members of the I. W. W. The court then pointed out that there was evidence in the record supporting the charge that the particular aliens had been advocating and teaching the unlawful destruction of property. The decision supports the department's conclusions in these and in a number of similar cases in each and every particular.

Attorneys Lowe and Recht (representing the I. W. W.), have submitted briefs and made earnest arguments in favor of the two aliens; but nothing could be clearer than that the bureau and department have reached a correct conclusion, and it is recommended that the petition for reopening the cases be denied.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

NEW YORK, June 6, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Writ habeas corpus Melta, Kisil, Holm, Bernat, Dixon, Dewal, dismissed; Jackson sustained; McDonald not yet decided.

CAFFEY, *United States Attorney.*

NEW YORK, June 9, 1919.

BUREAU OF IMMIGRATION,
Washington, D. C.

SIRS: In the case of Charles Bernat, this man is to be deported to Russia. There does not seem any possibility at the present time of transportation to that country. This man has been in prison for a long time and unless an immediate arrangement can be made for his deportation, we are going to take his case up on appeal.

His transportation to Russia would also have to be to a port not under control of the Kolchak, Denikin, Semenov, or other reactionary groups.

Very truly, yours,

CHARLES RECHT, *Counsellor at Law.*

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY'S OFFICE,
New York, July 7, 1919.

The COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y.

SIR: The writs of habeas corpus obtained by Martin De Wal, Mr. and Mrs. Peter W. Merta, Alex. Kisil, Sam Dixon, Charles Bernat, and Fritz Holm, have been dismissed and there is now no reason why these persons should not be deported.

In addition, you may deport the following aliens: Donald McPherson, Frank Mihalik, Albert Osborn, Kazis Maskilunas.

I may add that in the Maskilunas case, your department has agreed with the alien's attorney to receive additional evidence. I have nothing to do with that arrangement and the court is not concerned with it. There is no legal reason why Maskilunas should not be deported with the rest.

Respectfully,

FRANCIS G. CAFFEY,
United States Attorney.

[Telegram.]

DEPARTMENT OF LABOR,
New York, July 14, 1919.Hon. A. W. PARKER,
Commissioner of Immigration, Washington:

In reference to cases of Chas. Bernat, Alex Kissil, Peter Maskalums, and Joseph Muche, application is being made for immediate relief, pending deportation to Russia and Austria. Bond file on Ellis Island to-day and urgency respectfully requested. This in reference to conversation had over long-distance phone to-day. Please also instruct Ellis Island to release McDonald.

CHARLES RECHT.

Send files to me. A. W. P.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
*Ellis Island, New York Harbor, N. Y.*COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

You have before you a bond executed by the National Surety Co. in the sum of \$1,000 for the release of Charles Barnat, your No. 54379/491, now detained at Ellis Island. Before directing his release will you please carefully consider my letter of July 15, addressed to you, regarding the release of aliens of this class under bond, pending deportation. I beg to inclose copy of letter received from the district attorney under date of July 7 regarding 10 cases which were before Judge Hand under writ of habeas corpus.

BYRON H. UHL,
Assistant Commissioner.

JULY 16, 1919.

In re Charles Bernat and Alex. Kisil.
Supplemental memorandum for the Acting Secretary.

See telegram from Attorney Recht attached to the Bernat file. So much thereof as relates to other cases than these two has already been disposed of.

Mr. Recht now urges that these two aliens be released under bond pending an opportunity to deport them, Bernat to Russia and Kisil to Austria.

In the Kisil case the bureau is willing to recommend that the attorney's request be granted. The record does not show the alien to be especially dangerous, and it probably will be some time before an opportunity to send him to Austria will arise.

In the Bernat case, however, the bureau is not willing to recommend release under bond. This alien has made two unsuccessful attempts to have the department's decision overruled by the courts. He is undoubtedly a radical. Even his attorney contends that when he is returned to Russia, it will be necessary to send him to a port "not under control of the Kolchak, Deniken, Semenov, or other reactionary groups." While the bureau is not particularly concerned, at this time, to this contention, it does point significance to the fact that Bernat is a Bolshevik. It is recommended that the petition with regard to him be denied.

A. CAMINETTI, *Commissioner General.*

Approved as to Kisil. Pending deportation, release Bernat under \$1,000 bond.

JOHN W. ABERCROMBIE, *Acting Secretary.*

JULY 22, 1919.

IMMIGRATION SERVICE,
Ellis Island, N. Y.

Not anarchist. Bombast Alex. Kisil, Joseph Mucha, and Charles Bernat.

Attest: HAMPTON,
For the Commissioner General.

ASSISTANT COMMISSIONER GENERAL.

NOTE.—Bombast is a code word for "Release on bond."

DECEMBER 2, 1919.

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.

The aliens Sol Ehrlich, Alex Kisil, and Charles Bernat, who were released on bond from Ellis Island some months ago, are believed to be at the present time somewhere in your district, the address of Alex Kisil having been given to the bureau as "P. O. box 365, Seattle, Wash."

Please advise the bureau by wire whether your office has any record of the whereabouts of these aliens, and if they can be produced for deportation within a reasonable length of time.

(Stamped:) Exact copy as signed by A. Caminetti, Commissioner General.

(Seattle sends telegram in reply to this letter; see file 379/425.)

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
Ellis Island, New York Harbor, N. Y., January 5, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

I desire to call your attention to the case of Charles Bernat, your No. 54379/491, who is at large under bond in the sum of \$1,000, the National Surety Co. having furnished the same. Please advise what action you desire taken in the premises.

BYRON H. UHL, *Acting Commissioner.*

CASE OF SOL EHRLICH.

Of all the radical members of the I. W. W. organization brought from the Pacific coast to New York for deportation it is probable that Sol Ehrlich, bureau file 54379/12, was the most bitter. He had at one time been the secretary and treasurer of the organization at Monroe, Wash., and was at all times very active in spreading their propaganda. After being brought from Seattle to New York for deportation, he was released on bond, and his present whereabouts are unknown.

Documents pertaining to his case, as copied from files of the Bureau of Immigration, read as follows:

NOVEMBER 19, 1918.

In re Sol Ehrlich (or Erlick), aged 28; native and subject of Russia; Hebrew race; entered presumably at New York, N. Y., on November 22, 1908.
Memorandum for the Acting Secretary.

The above-named alien was arrested at Everett, Wash., on the grounds "that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States."

This man states that he has been a member of the I. W. W. organization since April 27, 1917; that at the time of his arrest he held the office of secretary at Monroe, Wash.; and that he has collected funds, initiated new members, and performed all the duties required of a secretary. He claims that he is not in sympathy with certain of the teachings and principles of the organization to which his attention was particularly called by the examining officer, and agreed with parts of some of the others which were mentioned. It will be noted that in attempting to distinguish between the principles with which he agreed and those which with he did not agree, he took refuge in the statement that the author of the quoted principles had not gone into the matter with sufficient detail. He has specifically acknowledged his belief in sabotage (p. 6), and with the taking of every action that would do good to the working class (p. 7). He acknowledged that he distributed to the new members publications which contained principles of the organization to which he had subscribed. It seems likely that he is in sympathy with the Bolsheviks, for at the time of his arrest he was loitering near a Bolshevik ship which had just come into the harbor, and following his arrest a Denver paper published the following statement:

"Sol Ehrlich sits in a cell at the United States Immigration station in Seattle quietly chuckling to himself. He went down to the dock, got pinched for being a Bolshevik, and is to be deported from free America to the darkest Russia. Even after this is published it is doubtful whether the authorities here can tell just what the joke is that moved Ehrlich to mirth."

Ehrlich, during his confinement at the Seattle detention quarters, has been more or less a trouble maker among his fellow prisoners. As a side line on his character there is attached in the file, at marker, a letter written by him to his wife, which was intercepted by the immigration authorities. It seems that Ehrlich gambled with his fellow prisoners and lost the sum of \$20, which he was unable to pay. In the letter he demands that his wife earn and bring to him this amount if she expects to keep on good terms with him. At the time of this demand, Mrs. Ehrlich was earning her own living and supporting their child.

While reference has been made to the I. W. W. and to aliens membership therein, it is not the fact of the membership in that organization that is considered as evidence against him. It is the fact that in connection with the organization he had advocated or taught certain doctrines including that of sabotage and the unlawful destruction of property.

The allegation that alien was likely to become a public charge at the time of entry must be dropped as he has been in this country more than five years.

It is recommended that the warrant of deportation be issued on the ground that alien has been found advocating or teaching the unlawful destruction of property, deportation to be to Russia at Government expense when possible, and in the meantime the man should be permitted at large under bond which the record indicates has recently been furnished. The department will determine when deportation should occur.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

SEATTLE, WASH., May 7, 1918.

DEAR BROTHER HENRY: Have received information to-day that you are already in military service at Camp Upton.

I want to express to you my wishes that in case you are sent to France to fight, that you will be fortunate in surviving from the terrible slaughter house that the lords of commerce are carrying on. I never dreamed about ever knowing that you will be a soldier; however, the unexpected sometimes happens.

Dear brother, write me how you are getting along; I know that you, with your character, so sensitive, and mild will be made to shoulder a gun for the purpose of killing; I feel with you, brother.

You will notice that I write from the United States detention station at Seattle, I have been imprisoned for nearly five months for daring to revolt against the capitalists' system of human exploitation, for belonging to the I. W. W. (Industrial Workers of the World) that the Government is persecuting now.

Please write from wherever you may be, as I would be glad to hear from you. Awaiting a reply, I remain,

Your brother,

SOL EHRLICH,

United States Detention Station, Seattle.

Best regards from Wash, my wife, and child. S. E.

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION.
Ellis Island, New York Harbor, N. Y.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

One of the radicals brought here with the original group from Seattle was Sol Ehrlich. The file relating to him was taken by the congressional committee when at Ellis Island, and I believe the bureau number is 54379/12. In any event the man was released on bond. It is my recollection that he is a native of Russia. While at this station he was one of the leaders of the group referred to and made several most radical utterances in the hearing of officers at this station. I do not feel that he should be permitted to remain at large, and if there is any prospect of returning natives of Russia to that country in the immediate future he should be taken into custody at once. If you agree with me as to this I trust you will so order, and furnish the names of the sureties upon the bond filed in his behalf, so that demand may be made upon them for his production here.

BYRON H. UHL, *Acting Commissioner*.

[Telegram.]

SEATTLE, WASH., December 8, 1919.

IMMIGRATION, Washington:

Re bureau letter 2d instant, bureau file 54379/12/425/491, Sol Ehrlich and Alex Kisil and Charles Bernal, last record this office has concerning these aliens is receipt from commissioner of immigration, Ellis Island, for said aliens, dated December 4, 1918; as no notice to the contrary was received it was presumed that these aliens had been deported in accordance with department warrant. Post-office box 356, Seattle, rented to Frank Baker, secretary I. W. W. organization, and has been in charge post-office inspectors for some time. Nothing to indicate that Kisil has received mail there.

WHITE.

CASE OF AXEL HENDRICKSON.

The case of Axel Hendrickson is that of another alien removed from Seattle to New York for deportation and released. There is nothing in the file, however, to indicate why he was released. A memorandum in his case reads as follows:

FEBRUARY 4, 1919.

In re Axel August Hendrickson, aged 36, native and citizen of Finland; Finnish race; entered presumably at New York, N. Y., in 1901.

Memorandum for the Acting Secretary:

The above-named alien was arrested in Seattle, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

This man admits that he is a member of the I. W. W. and has been such since February, 1917. He was first arrested at Aberdeen, Wash., by the local police because of his I. W. W. activities among the people of his own nationality in that town. When taken into custody he had a suit case full of membership books, due slips, copies of the constitution, and other I. W. W. literature. He was also carrying credentials as an organizer and delegate for the I. W. W.

The attorney in the case attempts to make the defense that the I. W. W. is not an organization teaching or advocating the unlawful destruction of property, and that the word "sabotage" does not mean destruction of property. He has introduced in behalf of his client a witness named T. F. G. Dougherty, who attempts to explain many of the radical and violent teachings contained in the books and pamphlets of certain prominent I. W. W. and other radical authors, whose works are published, sold, or disseminated by the order.

In answer to this testimony the bureau calls attention to that offered by James O'Brien, a member of and leader in the I. W. W. organization in the case of the State of Washington v. Fred Lowery and Charlie Brown, which case has been incorporated into and made a part of this record. Attention is further invited to numerous excerpts and passages from books and pamphlets written by prominent members of the I. W. W. and other radicals, which are quoted in the record. These writers teach and advocate all forms of sabotage, and their explanations of the term "sabotage" shows clearly that in many instances it means destruction of property. All of the books from which excerpts have been made are either published, sold, or distributed by the I. W. W. Publishing Co. Attention is invited to that part of the testimony of Mr. Dougherty, the alien's witness, in which he states that sabotage might be termed "the conscious withdrawal of efficiency, the slowing up in production, and a refusal to produce in quantity," or that "it might take the form of putting out a poor quality of work." The bureau contends that this is sabotage in its most insidious form, and that for a man to consciously withdraw his efficiency and turn out work of an inferior or defective quality might not only be the direct cause of destruction of property but also destruction of human lives.

After a careful survey of the record the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Finland at Government expense.

A. CAMINETTI,
-Commissioner General.

Approved.

JOHN W. ABERCROMBIE, Acting Secretary.

CASE OF JOHN LEIVO.

The case of John Leivo, bureau file 54379/28, is that of another alien member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case, copied from bureau files, read as follows:

1. Full name of person arrested: John Leivo, alias John Litmonen.
2. Number of case (Bureau of Immigration files): —.
3. Date of warrant of arrest: First warrant, January 17, 1918; second warrant, February 5, 1918; third warrant, March 17, 1919.
4. Charge upon which arrested was made:
 (1) That he has been found advocating or teaching anarchy or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry into the United States. (2) That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. (3) That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: (1) Not served. (2) March 1, 1918; Everett, Wash. (3) January 21, 1919; Seattle, Wash.
6. Disposition of case: (2) Alien refused parole on own recognizance for one year pending observation. (3) Warrant of deportation to Finland at Government expense issued February 4, 1919. Transferred to Ellis Island for deportation. Paroled on own recognizance.
7. Status of case at present: Pending.

FEBRUARY 4, 1919.

In re John Leivo, alias John Litmonen.
 Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in previous bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright but to release the man on probation for a period of one year on his promise to report to the Commissioner of Immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground: That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

This man admitted at the hearing under the new warrant that he is at present a member of the I. W. W. The only defense made by the attorney was an attempt to show that the I. W. W. as an organization does not teach or advocate the unlawful destruction of property, and that the word "sabotage" does not mean destruction of property. In this attempt he had read into the record the testimony of T. F. G.

Dougherty, offered in behalf of one Axel August Hendrickson; also excerpts from the works of prominent I. W. W. and other radical writers.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W., offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien, and shows beyond a doubt that the I. W. W. is an organization teaching and advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Finland at Government expense.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

MARCH 14, 1919.

In re John Leivo.

Supplemental memorandum for the Acting Secretary.

This case in every material respect corresponds to that of James Lund (No. 54379/44), submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

(Unsigned memorandum appearing in bureau file in this case:)

The records show that John Leivo was born in Finland and came to the United States in 1912. He was arrested in Seattle January 16, 1918, and a hearing had March 1918, at the county jail in Everett, Wash.

On November 29, he was offered a parole but refused. He was rearrested on the charge of having violated the act of November 16, 1918, and ordered deported. The exhibits were the usual I. W. W. exhibits offered in each case. In the summary and recommendation we read: "He belongs to the usual irresponsible migratory class of I. W. W. laborers."

CASE OF AUGUST BOSTROM.

The case of August Bostrom, bureau file 54379/53, is that of another member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: August Bostrom.
2. Number of case (Bureau of Immigration files): 54379/53.
3. Date of warrant of arrest: First warrant, January 19, 1918; second warrant, January 18, 1919.
4. Charge upon which arrest was made: 1. That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. 2. That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

5. Date and place of arrest: (1) January 19, 1918, Seattle, Wash.; (2) January 22, 1919, Seattle, Wash.

6. Disposition of case: 1. Offered release on own recognizance for one year pending observation, but refused to accept. Warrant of deportation to Sweden at Government expense issued February 4, 1919. Transferred to Ellis Island for deportation. Case reopened. Alien paroled on own recognizance.

7. Status of case at present: Pending.

FEBRUARY 4, 1919.

In re August Bostrom.

Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle at regular intervals of three months as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

This alien, at the new hearing, refused to answer the questions put to him by the examining officer as to his connection with the I. W. W. It should be noted, however, that at a previous hearing, which has been incorporated into and made a part of this record, he stated that he had been a member of the organization for about three months prior to his arrest. His membership book indicates that he joined on September 10, 1917. A prima facie case on this point has therefore been established by the alien's previous sworn testimony, reinforced by his membership book, and the burden is now on the alien to prove that he is not, if indeed he really so contends, a member of the organization. His declination to answer questions put to him at the last hearing appears to be a tacit admission that he is a member of the I. W. W. rather than any proof that he is not. That the I. W. W. is an organization teaching or advocating the unlawful destruction of property is well established by many excerpts and passages taken from the books and pamphlets of prominent I. W. W. and other radical writers, many of which are contained in the record. These publications are published, sold, or disseminated by the I. W. W. Publishing Co.

The bureau is convinced from the record that the alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property and upon that ground has to recommend his deportation to Sweden at Government expense.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

MARCH 14, 1919.

In re August Bostrom.

Supplemental memorandum for the Acting Secretary.

This case in every material respect corresponds to that of James Lund (No. 54379/44) submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

CASE OF JALMER HOLM.

The case of Jalmer Holm, bureau file 54379/76, is also that of an active member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case read as follows:

U. S. DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Jalmer Holm (or Holmes).
2. Number of case (Bureau of Immigration files): 54379/76.
3. Date of warrant of arrest: (First warrant) January 25, 1918; (Second warrant) December 16, 1918.
4. Charge upon which arrest was made: 1. That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. 2. That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, of propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: 1. January 25, 1918, Seattle, Wash.; 2. December 22, 1918, Seattle, Wash.
6. Disposition of case: 1. Warrant of deportation to Sweden at Government expense issued. Alien refused parole under rule 17-A. 2. Warrant of deportation to Sweden at Government expense issued. Transferred to Ellis Island. Case reopened and alien paroled on own recognizance.
7. Status of case at present: Pending.

NOVEMBER 5, 1918.

In re Jalmer Holm, aged 25, native and subject of Sweden, entered, presumably, at New York, N. Y., in March, 1910.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Bellingham, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry in the United States. Section 19 of the immigration act provides that "any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, * * * shall, upon a warrant of the Secretary of Labor, be taken into custody and deported."

This man states that he arrived in the United States in 1910 and has since then been wandering about the country working here and there for short periods as it suits his fancy. He has been a member of the I. W. W. since July, 1917. While he has not acted as an official organizer and delegate, he admits he has attempted to induce others to join the organization at every opportunity. At the hearing it was almost impossible to get this man to commit himself as to his beliefs in the tenets and principles of the I. W. W. Many of the paragraphs on the subject of sabotage were read to him from the official literature published by this organization, and in the majority of instances he refused to answer or attempted to evade the issue. He admits having been arrested on a number of previous occasions either for drunkenness or because of his activities in connection with the organization to which he belongs. He appears to be a man of average intelligence and undoubtedly is familiar with the methods and aims of the I. W. W. There is no question but that he has supported the organization to the best of his ability and has assisted in spreading the doctrine of sabotage as set forth in its official books and pamphlets. He has no money, no property, or home ties, and is a typical member of the migratory herd which constitutes the majority of the membership of this order.

It should be observed that, while (necessarily) repeated references are made to the I. W. W. and alien's membership therein, it is not alien's membership, but what he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The bureau recommends the alien's deportation to Sweden, at Government expense, when possible, on the ground that he has been found advocating or teaching the unlawful destruction of property. In the meantime he may be paroled upon his own recognizance under the terms of rule 17-A.

ALFRED HAMPTON,
Assistant Commissioner General.

Approved:
JOHN W. ABERCROMBIE, *Acting Secretary.*

FEBRUARY 4, 1919.

In re Jalmer Holm.
Memorandum for the Acting Secretary:

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. The department found him guilty of this charge and directed his deportation to Sweden, but as sailings to that country could not be secured, then, he was offered a parole upon his own recognizance under the terms of rule 17-A. This parole he refused to accept. He also refused to make any attempt to secure employment, either directly or through the U. S. Employment Service. The new immigration act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, or necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

At the hearing under the new act, the alien refused to swear or to affirm to the truth of his statements. He also refused to concede that he was a member of the I. W. W. at the present time, merely stating in answer to a question on that point, "It's for you to find out." He finally did admit, however, that he had never taken any steps to renounce affiliation with the organization known as the Industrial Workers of the World. The fact that he admits receiving a certain sum of money every week from the I. W. W. organization during his confinement in jail and in the detention house is significant. A prima facie case on this point is established by the alien's sworn testimony in a previous hearing, which is incorporated into and made a part of this record, to the effect that he is a member of the I. W. W. This sworn statement is reinforced by an exhibit in the form of the alien's membership book, No. 347293, indicating that he joined the organization on July 5, 1917, and that his dues then were paid to April 1, 1918.

His attorney caused to be read into the record certain testimony offered by one T. F. G. Dougherty, in the case of Axel August Hendrickson, in an attempt to show that the I. W. W., as an organization, does not teach the unlawful destruction of property. He further caused to be inserted in the record certain excerpts from the works of well known I. W. W. or other radical authors in an endeavor to prove that the word "sabotage" does not mean the unlawful destruction of property.

In answer to the defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W., offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the Bureau this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching and advocating the unlawful destruction of property.

Considering the record as a whole, the Bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Sweden at Government expense.

A. CAMINETTI, *Commissioner General.*

Approved:
JOHN W. ABERCROMBIE, *Acting Secretary.*

MARCH 14, 1919.

In re Jalmer Holm.

Supplemental memorandum for the acting secretary:

This case in every material respect corresponds to that of James Lund (54379/44), submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

CASE OF EDWIN FLOGAUS.

The case of Edwin Flogaus, bureau file 54379/23, is also that of an active member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Edwin Flogaus.
2. Number of case (Bureau of Immigration files): 54379/23.
3. Date of warrant of arrest: (First warrant), January 16, 1918; (second warrant), January 18, 1919.
4. Charge upon which arrest was made: 1. That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, and that he was a person likely to become a public charge at the time of his entry. 2. That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: March 1, 1918. Everett, Wash.
6. Disposition of case: 1. Alien refused parole on own recognizance for one year pending observation. 2. Warrant of deportation to Poland at Government expense issued February 4, 1919. Transferred to Ellis Island for deportation. Paroled on own recognizance.
7. Status of case at present: Pending.

FEBRUARY 4, 1919.

In re Edwin Flogaus.

Memorandum for the Acting Secretary:

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in previous bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States

or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

At the new hearing the alien admitted that he is a member of the I. W. W. His testimony in previous hearings which have been incorporated into and made a part of this record shows that he has been such since September 25, 1914. This statement is confirmed by his membership book.

His attorney has had read into the record the testimony of T. F. G. Dougherty, offered in the case of one Axel August Hendrickson, in the attempt to show that the I. W. W. organization does not teach or advocate the unlawful destruction of property; also excerpts from the works of certain well-known I. W. W. and other radical authors tending to show that the term "sabotage" does not mean unlawful destruction of property.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W. offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau, this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching or advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Poland at Government expense.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

MARCH 14, 1919.

In re Edwin Flogaus.

Supplemental memorandum for the acting secretary:

This case in every material respect corresponds to that of James Lund (No. 54379/44) submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

DEPARTMENT OF JUSTICE, BUREAU OF INVESTIGATION,
Washington, July 30, 1919.

ANTHONY CAMINETTI, Esq.,

Commissioner General of Immigration, Department of Labor.

Attention Mr. McClelland.

DEAR SIR: I am inclosing herewith photostat copy of report by Agent M. Jo Davis, New York City, for June 17, 1919, In re E. W. Flogaus, released I. W. W. deportee.

You will note from the inclosure that Flogaus was brought to the port of New York from Seattle, Wash., for deportation to Poland, but due to the fact that it is impossible to make deportations to that country at the present time, he was released upon his own recognizance; further, as his address is given as 27 East Fourth Street, which is the I. W. W. headquarters in New York City, it is apparent that Flogaus, upon his release, returned to the company of his past associates.

It would be considered a great favor if you would inform me as to the past record of Flogaus, which, I understand, is filed in your office.

Very truly, yours,

FRANK BURKE,
Assistant Director and Chief.

M. J. Davis.

In re Edward W. Flogaus, released I. W. W., deportee; Neil Guiney, Portland, Oreg.; I. W. W. activities.

Under date of May 24, 1919, R. P. Bonham, inspector in charge, Department of Labor, Portland, Oreg., furnished this office with a copy of a letter signed Neil Guiney, now a prisoner in the Portland, Oreg., county jail, addressed to Ed. W. Flogaus, 27, East Fourth Street, New York:

FELLOW WORKER: Your very welcome letter to hand and must say I was very surprised to hear from you. I thought you must be in Europe by this time. I am glad that you and the others were all to beat the deportation stunt, as we need all the good class-conscious workers in this country that we can possibly get. There are enough of them in Europe now to handle things over there all right. I hope they will be able to spring us the same way although I am not building any plans on what I am going to do when I am released in this country again. It seems as if no one can tell merely by points of law or precedent just what the powers that be can or will do nowadays. They are apt to do almost any old thing under the sun. Well, I will tell the world that I am not losing any sleep over what is going to happen in my case. There are only four things that can happen any way—I will be deported or I will not, I will be either released or die in jail as nature was not kind enough to endow me with second sight. I am not going to make myself gray headed trying to presee future events. Let her buck.

Of course if I am deported I will be all right in Canada as the workers over there are getting into line in good shape and there will be plenty of room for me in their new O. B. U. The experience I have had here will no doubt be valuable to them as well.

I note what you say about links in the organization and agree with your sentiment about them; in another way it makes me glad, because it adds another proof of our efficiency as a working class organization when the masters go as strong as that to try to stop us.

Drop me a line once in a while and remember me to all the New York bunch. Wishing you, etc., etc.

Yours, for the O. B. U.

NEIL GUINEY.

Inasmuch as Flogaus is now in this city, a letter was dispatched to the Assistant Commissioner of Immigration on June 5, asking for Flogaus past record. On June 9th Assistant Commissioner Uhl replied to this office stating that Flogaus was brought to the port of New York from Seattle, Wash., for deportation to Poland, but due to the fact that it is impossible to make deportations to that country at present he was released upon his own recognizance.

As evidenced by the address to which the letter quoted is sent, i. e., No. 27 East Fourth Street, which is the I. W. W. headquarters in New York City, it is apparent that Flogaus, upon his release, fell right back into his usual activities. Therefore, pursuant to the policy which it is the writer's belief the bureau is following in such cases, we shall endeavor to keep check upon this man's doings, reporting promptly to Washington. This of course refers to any of the subject's activities which will come to the Bureau's notice through voluntary sources, for it is difficult to follow the moves of such persons without paid informants.

Mr. Uhl, in his letter, stated that his office did not have the subject's past record, which, he advises, is filed with the Commissioner of Immigration at Washington, D. C.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 15, 1919.

HON. A. CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

MY DEAR MR. CAMINETTI: I am returning to you herewith the record in the case of Edwin Flogaus, which you were kind enough to forward to this office in order that the examination in the case of the State of Washington v. Fred Lowery and Charlie Brown might be examined in this office.

I note from the files of the Bureau of Investigation that Flogaus has been in communication with some of his former associates and has apparently given expression to some radical ideas to which he adhered before the institution of deportation proceedings. I note that a copy of the report of Special Agent Davis for June 17, 1919, is a part of the record in the case and is attached to the letter addressed by Mr. Burke to you under date of July 30, 1919.

I am calling this to your attention in order that you may, if you deem it advisable, consider the advisability of increasing Flogaus's bond at the present time in order that his activities among his radical associates may be somewhat curtailed.

Respectfully,

JOHN CREIGHTON,
Special Assistant to the Attorney General.

AUGUST 21, 1919.

Talked with Mr. Hoover on phone. Department of Justice will endeavor to locate alien and keep under surveillance. He is out on own recognizance.

H. Mc.

LAW SECTION, August 8, 1919 C.

Paroled pending deportation to Poland, under surveillance by Department of Justice.

CASE OF JOE MARTIN.

The case of Joe Martin, bureau file 54379/5, is the same as the last few mentioned. Martin was a particularly bitter radical and gave considerable trouble while held at the detention station at Seattle.

Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Joe Martin.
2. Number of case (Bureau of Immigration files): 54379/5.
3. Date of warrant of arrest: First warrant, January 14, 1918; second warrant, January 17, 1919.
4. Charge upon which arrest was made: (1) That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. (2) That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: (1) January 14, 1918, Seattle, Wash.; (2) January 24, 1918, Seattle, Wash.
6. Disposition of case: (1) Alien refused parole on own recognizance for one year pending observation. (2) Warrant of deportation to Russia at Government expense issued February 4, 1919. Transferred to Ellis Island pending deportation. Paroled on own recognizance.
17. Status of case at present: Pending.

54379/5

FEBRUARY 4, 1919.

In re Joe Martin.

Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright but to release the man on probation for a period of one year on his promise to report to the Commissioner of Immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity,

or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

This alien was most defiant and unruly at the hearing under the new warrant, refusing to answer all questions and finally running out of the room in which the hearing was conducted. He stated that he did not desire the services of Mr. Ralph S. Pierce, who has been appearing for other I. W. W.'s and would proceed with his own case. In this connection, he also made the following statement: "Go ahead and do what you want to and deport me and 'damn * * *'"

A prima facie case as to the alien's membership in the I. W. W. has been established by his sworn statement at a previous hearing, which hearing has been incorporated into and made a part of this record, to the effect that he joined the I. W. W. about four years ago, is still a member, believes in its principles and teachings, has contributed money to defense funds solicited by it, and, in short, has done all he could to advance its interests. The burden of proof is now upon the alien to refute the charge that he is a member of the I. W. W., an organization teaching and advocating the unlawful destruction of property. The bureau has also introduced into the record ample evidence showing that the I. W. W. is an organization which teaches or advocates the unlawful destruction of property.

The bureau recommends the alien's deportation to Russia at Government expense upon the ground that he is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

No. 54379/5.

MARCH 14, 1919.

In re Joe Martin.

Supplemental memorandum for the Acting Secretary.

This case was first presented to the department in memorandum of November 23, recommending that decision be held in abeyance for a year and the alien released upon his own recognizance. The alien refused to accept parole, and a warrant was then issued under the new law charging him with membership in an organization that advocates and teaches the unlawful destruction of property. While the alien's attitude has been defiant, there is really little in the record showing that he has personally, either as an incident to his membership in the I. W. W. or independently thereof, advocated or taught the unlawful destruction of property.

Attorneys Lowe and Recht have made a very strong plea in the alien's behalf and have directed attention to several points favorable to him which had been overlooked when the record was previously considered on two occasions. The man's defiant attitude made a very bad impression upon all those with whom he has come in contact, and even the cold typewritten record does not make a good impression. Nevertheless, following the line which the bureau and department have been attempting to draw in all these cases between the technical or literal and the substantial, and taking into consideration the points to which the attorneys have now directed attention, the bureau recommends that the petition for reopening be granted and the alien released on his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

CASE OF JOHN BERG.

The case of John Berg, bureau file 54379/185, is the same as the last few cases mentioned. Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Jens Bjerregaard Peterson, alias John Berg.
2. Number of case (Bureau of Immigration files): 54379/185.
3. Date of warrant of arrest: First warrant, March 19, 1918; second warrant, December 16, 1918.
4. Charge upon which arrest was made: First warrant: That he has been found advocating or teaching the unlawful destruction of property. Second warrant:

That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety, of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

5. Date and place of arrest: March 19, 1918. Seattle, Wash.

6. Disposition of case: Warrant of deportation to Denmark at Government expense on charge "That he has been found advocating or teaching the unlawful destruction of property" issued November 22, 1918. Transferred to Ellis Island for deportation. Case reconsidered and alien released on own recognizance.

7. Status of case at present: Pending.

NOVEMBER 20, 1918.

54379/185.

In re John Berg, aged 58, native and subject of Denmark, entered without inspection, presumably at San Francisco, in May, 1901.

Memorandum for the Acting Secretary.

The above alien was arrested at Seattle, Wash., on the ground that he has been found advocating or teaching the unlawful destruction of property.

This man states that he arrived at San Francisco in May, 1901, as a seaman, and deserted from his vessel there, entering the country without inspection. He was previously resident here for a number of years. He has been a member of the I. W. W. since August, 1916, and holds the position of organizer and delegate for that organization, and admits that, in the performance of his duties as such, he has solicited new members, received money, and distributed the official literature of the organization. He testified at the hearing of March 16 that he believed in the teachings of the I. W. W. or otherwise he would not have become a member. Nevertheless, he asserted that he had not read most of the books which contain the articles used as a basis of examination in these cases in giving the principles for which the organization stands. Among other things he asserted he did not believe in the use of force or violence or the destruction of property in accomplishing the purposes of the order. He has made no effort to become a citizen. He has no money, property, or dependents, and appears to be typical of his kind, roaming from place to place as his fancy dictates.

Permission was granted on September 13, for the alien to reshipe foreign, the warrant to be canceled upon verification of the departure. Apparently the man has not taken advantage of this privilege which was accorded at his own request.

The bureau is satisfied that on the showing to the effect the alien has been active distributing literature of the I. W. W. which teaches the unlawful destruction of property, the charge in the warrant has been sustained. It accordingly recommends that warrant of deportation be issued, the man to be returned to Denmark at Government expense when that becomes possible.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

MARCH 14, 1919.

54379/185.

In re John Berg.

Supplemental memorandum for the Acting Secretary.

Attention is directed to memorandum of November 20, 1918. The bureau believes that the conclusion then reached was justified by the record as it then stood. While Berg denies ever having been active in distributing sabotage literature and thereby teaching the unlawful destruction of property, there is much circumstantial and inferential evidence to the contrary, and the department is not tied down to the use of direct and first-hand evidence in these deportation cases.

Berg has not been regarded on the evidence in hand as nearly so dangerous a character as some of the aliens arrested about the same time as he, and the argument recently made by Attorneys Lowe and Recht has convinced the bureau, taking into consideration at the same time evidence given by Miss Lowe (who happens to be personally acquainted with Berg), that it can properly now recommend that the alien be released on his own recognizance. Miss Lowe has testified very favorably to Berg's general character. He has lived in the United States for a long time, and is getting to be an

old man. He is a sailor by calling, and he was thought well enough of on the previous record to consent to his shipping out as a sailor, but it proved impracticable to get a berth for him on a ship sailing out of Seattle.

The Ellis Island office should be advised that if the alien now desires to ship as a seaman they should assist him as far as possible to secure a berth as a sailor; but that if his shipping out is not possible he should be released on his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

CASE OF CHARLES JACKSON.

The case of Charles Jackson, bureau file 54379/86, is also that of an active member of the I. W. W. organization arrested at Seattle and removed from there to New York for deportation. Jackson, however, was ordered deported on the ground that he was a person likely to become a public charge at the time he entered the United States. He applied for a writ of habeas corpus at Seattle, which was denied by Judge Neterer who handed down a written opinion. He applied again for a writ at New York, and the department canceled the warrant and released him.

Documents pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR, BUREAU OF IMMIGRATION, Washington.

1. Full name of person arrested: Charles Jackson, alias Charles Peterson.
2. Number of case (Bureau of Immigration files): 54379/86.
3. Date of warrant of arrest: January 26, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 26, 1918. Chicago, Ill.
6. Disposition of case: Warrant of deportation to Denmark at Government expense issued October 2, 1918, on the ground "That he was a person likely to become a public charge at the time of his entry into the United States." Transferred to Ellis Island for deportation. Warrants of arrest and deportation canceled in anticipation of adverse decision in habeas corpus proceedings.
7. Status of case at present: Closed.

SEPTEMBER 20, 1918.

In re Charles Jackson, alias Peterson, aged 38, single, native and subject of Denmark, entered without inspection from Canada, presumably at Seattle, per S. S. *Henry Villard*, on or about March 1, 1918.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Mount Vernon, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.

The evidence shows that this man was excluded at Mount Vernon, Wash., after a hearing by a board of special inquiry on June 14, 1918, on the grounds that he was suffering from a loathsome contagious disease; that he was a person likely to become a public charge; and that he was then affiliated with an organization which advocated or taught the unlawful destruction of property. The evidence shows that he has been a member of the I. W. W. since July, last year, and has contributed to the various defense funds. He says that he is entirely through with the I. W. W. organization, and evidently believes that it is the cause of much of his present trouble. He denied his belief in sabotage and in the principles and ideas set forth in the various official books of the organization. The alien resided in Canada for several years, but made no effort to become a citizen there. The record shows that he was a member of this organization at the time of his entry into the country.

As he was afflicted with gonorrhoea at the time of entry, was without funds and a floating laborer, the bureau recommends that warrant issue directing his deportation

to Denmark at Government expense, when possible, on the ground that he was a person likely to become a public charge at the time of his entry into the United States; until his removal from the country can be accomplished, he may be paroled under the terms of rule 17-A.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, NORTHERN DIVISION.

In the matter of the application of Charles Jackson for writ of habeas corpus, No. 4356, December —, 1918.

Robert C. Saunders, United States district attorney; Ben L. Moore, assistant United States district attorney; H. D. Folsom, jr., special attorney for Department of Justice, for Government.

George F. Vanderveer, Ralph D. Pierce, for petitioner.

NETERER, *District Judge.*

The petitioner, a subject of Denmark, surreptitiously entered the United States in June, 1917, a sailor from the barge *Henry Villard*. He was arrested in January, 1918, on a warrant of the Secretary of Labor charging "that he has been found advocating or teaching the unlawful destruction of property and that he was a person likely to become a public charge at the time of his entry into the United States." He was granted a hearing in January, and a further hearing in June following. In September Commissioner Caminetti, in a memorandum decision, stated:

"The evidence shows that this man was excluded at Mount Vernon, after a hearing by a board of special inquiry on June 15, 1918, on the ground that he was suffering from a loathsome contagious disease; that he was a person likely to become a public charge; and that he was then affiliated with an organization which advocated or taught the unlawful destruction of property. The evidence shows that he has been a member of the I. W. W. since July last year and has contributed to the various defense funds. He says that he is through with the I. W. W. organization, and evidently believes that it is the cause of much of his present troubles. He denied his belief in sabotage and in the principles and ideas set forth in the various official books of the organization. The alien resided in Canada for several years, but made no effort to become a citizen there. The record shows that he was a member of this organization at the time of his entry into the country."

"As he was afflicted with gonorrhea at the time of entry, and without funds and a floating laborer, the bureau recommends that warrant issue directing his deportation to Denmark at Government expense, when possible, on the ground that he was a person likely to become a public charge at the time of his entry into the United States. * * *

This memorandum decision was approved by the Acting Secretary of Labor. On October 2, a warrant of deportation was issued, stating that the petitioner was found in the United States in violation of the immigration act of February 5, 1917—"that he was a person likely to become a public charge at the time of his entry into the United States."

The petitioner claims that he is unlawfully restrained; that there is no evidence to support the order of deportation; that he has been denied a fair hearing; and that the order is void. In his testimony he states that he came to this country for the purpose of being treated for venereal disease. At the time of the examination seven months after his entry, he said: "I am not diseased now; I am supposed to be cured now." He also stated that he, at the time of the hearing, had \$100 in the Puget Sound Hotel. He had a book on the Bank of Montreal, Vancouver branch, showing a balance September 15, 1917, of \$265. He says that he changed his name from Jackson to Peterson for the purpose of securing a job in the mines.

There is no evidence in the record as to what, if any, money the petitioner had at the time of his entry into the United States. In his petition, sworn to on the 14th day of November, 1918, he states under oath, in support of a request that an order be entered directing the Commissioner of Labor to present with his return the original testimony taken at the petitioner's hearing upon which the deportations order is predicated: "That he is unable, by reason of his poverty, to pay for the preparation of such a copy." The testimony was very short. In his examination in June, the petitioner stated:

"Q. Now you say you left the boat here for treatment?—A. Yes.

"Q. What was the nature of your troubles, what was wrong with you?—A. I had a venereal disease.

"Q. What did you have, syphilis?—A. No. Gonorrhea.

"Q. You have a card here from the doctor where he was charging you \$10 a treatment.—A. No; that was for the whole time. I paid \$10 when I started and I didn't pay any more until I was finished.

"Q. How long have you had that gonorrhea?—A. For some time; besides that, I had some medicine with me when I went there but it didn't do me any good.

"Q. You had that gonorrhea then for months before that?—A. Yes.

"Q. Did you have it up in British Columbia?—A. I got it up there.

"Q. You got it up there?—A. Yes.

"Q. You contracted it in British Columbia? When you landed there the last time, you really landed for the purpose of treatment?—A. Yes."

The petitioner also had in his possession extracts from literature published by Industrial Workers of the World: "The I. W. W.—Its History, Structure and Methods," by Vincent St. John; "The New Unionism," by Andre Tridon; "Sabotage," by Emile Pouget; "Sabotage, Its History, Philosophy and Function," by Walker C. Smith; I. W. W. songs "To Fan the Flames of Discontent," Joe Hill; Memorial Edition, "Should I Ever Be a Soldier," "Christians at War," "Casey Jones—The Union Scab," "Workers of the World, Awaken," "The Internationale," by Eugene Pottier; and a number of other publications and extracts.

The issue presented before the court is whether the petitioner was accorded a fair trial. The authority of the immigration officers and the jurisdiction of the courts are powers conferred by Congress. This court in *Ex Parte Moola Singh*, 207 Fed. 780, at 782 said:

"The authority of the immigration officers and the jurisdiction of the courts depend upon power conferred by Congress. It is a matter of legislation. No discretion is vested in the courts. Congress has the right to legislate upon the subject, prescribe rules, fix limits, confer authority where it deems wise in legislating upon the subject at hand. The supreme authority is conferred upon the immigration officers. The jurisdiction of the courts is limited to ascertaining whether petitions were denied a hearing."

The contention of the petitioner what the court may review the evidence to determine whether the conclusion of the commissioner is justified citing *Gegiov v. Uhl*, 239 United States, page 3, is not sustained. The Supreme Court in this case held that the decision of the immigration officers under section 25 of the immigration act is conclusive of questions of fact.

The ground for deportation, given in the order, is very comprehensive. There are several angles from which the contention that he is likely to become a public charge can be approached. The inspectors had the petitioner before them, heard his testimony with relation to his affliction at the time of his entry, as well as his relations to the acts denounced by section 19 of the act of February 5, 1917 (U. S. Comp. Stat. 4289-1-JJ) Judge La Combe in *United States ex rel Buccino, et al. v. Williams*, Commissioner, 190 Fed. 897, said—

"Ever since the decision of the Supreme Court in *Nishimura Ekin v. United States*, 142 United States 651 (12 Sup. Ct. 336, 35 L. ed. 1146), it has, so far as I know, been held in this circuit that if the board of inspectors had the alien before them so that they might themselves inspect and examine him, there was sufficient before them to warrant his exclusion on the ground that he was liable to become a public charge, if, in their discretion, they reached such a conclusion. Nothing which has been presented in this argument persuades me to reverse this holding."

This is quoted not for the purpose of indorsing it, but to show the length the courts have gone on such an issue. The court can not, in view of the testimony in the record, say that the petitioner was not accorded a fair hearing. The writ is denied.

207 Fed., 789; 175 Fed., 274; 191 Fed., 970; 187 Fed., 471; 225 Fed., 90; 195 Fed., 705; 184 Fed., 566; 202 Fed., 66.

NETERER, Judge.

MARCH 14, 1919.

In re Charles Jackson.

Supplemental memorandum for the Acting Secretary:

This alien was ordered deported in a warrant dated October 2, 1918, based upon a memorandum dated October 20, the ground for deportation being that he was a person likely to become a public charge at the time of his entry to the United States. Alien's attorney sued out a writ of habeas corpus in the western district of Washington, but the judge, after reviewing the record at great length, dismissed the writ, sustaining

the department's finding. Without going into the details of the record it is only necessary to point to the decision of the court to show that the case has been properly handled. The attorneys have not submitted anything new, and it is apparent from the extract from their brief attached immediately hereunder that nothing new can be presented.

It is recommended that the petition for reopening be denied.

A. CAMINETTI,
Commissioner General.

APRIL 18, 1919.

In re Charles Jackson.

Supplemental memorandum for the Acting Secretary:

See previous memoranda at markers. Mr. Parker reports that this case was very hotly contested before Judge Hand; but that the judge finally announced he was ready to rule with the Government on every point of law and fact argued before him; that he did not consider that if there was any evidence whatever before the Secretary to support his holding the court had any right to interfere, and a fortiori is this true in a L. P. C. case.

After so holding, however, the judge said to Mr. Parker that he had gone over the entire record and really thought there was little in it, now that the man is cured of the disease he had at the time of entry, to justify more than technically the holding of the department. Thereupon Mr. Parker assured the judge we had no intention of being technical or of doing the least injustice to anyone, and as an evidence of that assertion he would agree to bring the case before the commissioner general and Acting Secretary once more if the court would put it over for two weeks.

It is therefore recommended that the previous decision be reversed and the warrant be canceled.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

CASE OF EPHIM KERTZ.

The case of Ephim Kertz, bureau file 54235/102, is that of an alien, who at the time of his arrest at Seattle, was the secretary and active head of the Union of Russian Workers in that section of the country. He was removed from Seattle to New York for deportation and there released. He returned to Seattle and immediately resumed his connections with the same organization, also joining the I. W. W. organization. He was arrested recently by local authorities and a new warrant on a deportation proceeding obtained, a hearing given, and the case is now awaiting decision in the department.

Documents pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR, BUREAU OF IMMIGRATION, Washington.

1. Full name of person arrested: Ephim Kertz or Kerts Ephim alias Ephim Listkoff.
2. Number of case (Bureau of Immigration files): 54235/102.
3. Date of warrant of arrest: November 28, 1917.
4. Charge upon which arrest was made: That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry.
5. Date and place of arrest: December 13, 1917, Seattle, Wash.
6. Disposition of case: Warrant of deportation to Russia at Government expense issued December 20, 1918. Transferred to Ellis Island. Case reviewed and alien released on own recognizance.
7. Status of case at present: Pending.

NOVEMBER 18, 1918.

In re Ephim Listkoff alias Ephim Kertz; aged 33; native and citizen of Russia; who claims entry at New York in October, 1908, ex S. S. *Barbarossa*.

Memorandum for the Acting Secretary.

This alien was taken into custody under warrant charging that he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry into the United States. Record of hearing is forwarded by the commissioner at Seattle with recommendation that deportation be ordered. Alien is being detained in jail, there being no room for him in the detention shed and he having failed to furnish bond. Complaint has been made by counsel of the long delay in closing this case.

This man and four others were taken into custody while attending what was advertised as a meeting of the Russian Workers' Union in Seattle, on November 28, 1917. He admits that he is a member of the union and is at present secretary, treasurer, and acting president. He was formerly a member of the I. W. W., this being when he was employed in the lumber industry, but he does not believe in all of the views expressed in the literature gotten out by that organization, and he contributed through the Russian Workers' Union to the fund which was raised by the I. W. W. for the defense of members who had been arrested.

Alien has denied that he is an anarchist, or believes in anarchy, or the overthrow by force or violence of the Government of the United States or all forms of law, or the assassination of public officials, or the destruction of property. He stated he believed in the Constitution of the United States and in the representative form of government. His attention was called to certain statements made in the constitution of the Russian Workers' Union and the character of the literature found in the reading room conducted by said union, and he insisted that people did not have to agree to all parts of the constitution in order to become members of the union and he had not done so when he joined, and the literature found in the rooms of the union was put there for educational purposes. Alien stated further that there are about 20 members of the union; there were 60 or 70 before the Russian revolution, and many of the members have gone to Russia. He admitted his active participation in the affairs of the Russian Workers' Union.

Alien claims he was a refugee when he entered this country, having been compelled to flee from Russia under an assumed name because he had been engaged in distributing revolutionary literature. He insisted, however, that there was nothing in the documents which referred to the overthrow of the Russian Government by force or violence, and it was intended by the propaganda to secure redress of believed wrongs by peaceful means. He has acknowledged that it had been one of the purposes of the Russian Workers' Union, which was originally an organization with branches of the society in many cities, to carry on a propaganda in this country to bring about a revolution in Russia; but, since the change in Russia occurred, most of the branches have been closed, and the Seattle branch had been kept in operation for educational purposes. The fact that the alien might have left Russia originally as a political refugee does not have any material bearing on the decision which should be reached in this case because of the changes which have occurred in that country.

Reference is made to the case of Kasimir Maskaljunas, alias Kaziz Maskilunas (file 54379/101) for a statement of the fundamental principles of the Russian Workers' Union as appears in its constitution. A translation of the constitution, a list of the publications found in the library, and the translations of some of the articles appearing in certain of these publications are made a part of the record in this case.

The allegation that alien was a person likely to become a public charge at the time of entry should be dropped, as there is no evidence directly supporting same and entry occurred more than five years prior to date of arrest.

Brief of counsel forms pages 81-89 of the record.

The bureau is satisfied from the statements of the alien, the purposes of the Russian Workers' Union as the same appear in the constitution thereof, and the character of the publications found in the reading room of said union that alien has been taking an active part in this organization and has been advocating or teaching anarchy in the United States. It is therefore recommended that he be deported to Russia on that ground, at Government expense, when that becomes possible and in the meantime that he may be released upon a bond in the sum of \$1,000 in the usual form. This will keep his whereabouts and occupation to the commissioner at Seattle. It is intended that the department will decide when deportation shall occur and instructions will be issued to have a report submitted when sailings to Russia are resumed.

A. CAMINETTI,
Commissioner General.

Approved:
JOHN W. ABERCROMBIE, Acting Secretary.

MARCH 20, 1919.

In re Ephim Listkoff, alias Kertz.

Supplemental memorandum for the Acting Secretary:

This case was presented to the department in memorandum of November 18, 1918. The alien is now at Ellis Island and Attorneys Lowe and Recht have made an argument in his behalf and also submitted a brief. On the basis of their representations the record has again been carefully reviewed.

This man is a member of the Russian Workers' Union. He has been an officer of the local union in Seattle and evidently has been something of a leader. He was arrested under the act of 1917, however, charged with advocating or teaching anarchy; no action has ever been taken against him under the act of October 16, 1918. As the constitution of the Russian Workers' Union shows it to be an anarchistic organization, this alien under the act of October 16; indeed, a pretty fair case is made out against him under the previous law. But on reviewing his testimony in detail the bureau is considerably impressed with his claim that, while he is quite radical in his views with respect to the rights of laboring men as compared with those of capitalists, he is not an anarchist himself and has not been, directly at least, spreading any anarchistic propaganda.

The bureau now recommends that the alien be paroled upon his own recognizance.

ALFRED HAMPTON,
Acting Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

(Advise the attorneys, 110 West Fortieth Street.)

CASE OF MIKE ELICK.

The case of Mike Elick, bureau file 54235/160, is that of another alien released at New York after having been ordered deported. Memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Mike Elick or Make Elack (or Sachary Czykata).
2. Number of case (Bureau of Immigration files): 54235/160.
3. Date of warrant of arrest: December 10, 1917.
4. Charge upon which arrest was made: That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; and that he has been found advocating or teaching, subsequent to his entry, the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry.
5. Date and place of arrest: December 12, 1917, Akron, Ohio.
6. Disposition of case: Released on \$2,000 bond. Warrant of deportation to Russia at Government expense issued November 23, 1918. Transferred to Ellis Island. Paroled on own recognizance pending final action.
7. Status of case at present: Pending.

JULY 29, 1918.

In re—

Pawel Krachie, alias Pawel Kreczin, who claims entry at Philadelphia in 1912.
John Tarasyk, alias Iwan Tarasjik, who entered at New York on April 3, 1913, ex steamship *Russia*, Russian Line (verified).

Naum (or Nahum) Stepanuk, who claims entry in December, 1909, at New York (not certified).

Mike Elick, alias Sachary Czykata, who claims entry at Baltimore, in April, 1910 (not verified).

Daniel Kuts (or Kuc), who entered at Baltimore on February 28, 1913, ex steamship *Main*, of the German Line (verified).

Leo Haskewich, alias Leonthaskewicz, who entered at Philadelphia April 17, 1913 ex steamship *Graf Waldersee*, German line (verified).

Memorandum for the Acting Secretary:

These six aliens, all subjects of Russia, were arrested by agents of the Department of Justice in Akron, Ohio, at a meeting of the Russian Workers' Union. It appears that officers went to this meeting in view of reports to the effect that it was intended to

devise means of bringing about a strike of the Russian workers employed in various plants in the city. All of them have acknowledged that they are members of the union, and Stepanuk, that he is at present the secretary. Each has denied that he is an anarchist, or is opposed to organized government, or has advocated anarchy or the destruction of property or the assassination of public officials, as charged in the warrant, which also contain the allegation of L. P. C. at time of entry.

The constitution of the Russian Workers' Union contains the statements, among the "basic principles" of the order, that—

"Modern society is divided into two opposite classes. On the one hand are the disinherited workers and peasants (farmers), who, by their labor, created the entire wealth of the world; on the other hand, the rich, who have taken possession of all this wealth.

"The class of the disinherited rose repeatedly in revolt against the parasitic rich and against their handmaiden and protector—the State—for the purpose of fully emancipating themselves from the yoke of capital and authority. * * *

"The struggle between these classes continues up to now and will only terminate when the toiling masses organized as a class will understand their true interests and will, by means of a forcible social revolution, take possession of the entire wealth of the world.

"Having accomplished such an upheaval and having destroyed at the same time all the institutions of the State and authority, the class of the disinherited will have to proclaim a society of free producers. * * *

"In furtherance of our aim we place in the forefront, the necessity to create a wide revolutionary class organization of the toilers."

And among the aims of this federation is mentioned "support of revolutionary manifestations of the American workers."

Literature of anarchistic and socialistic character was found in the possession of each of the aliens. Some of them had hand bills which were calling upon the workers to organize and defeat the draft. One of them had a letter which contained the advice (not addressed personally to him) that members of the union should claim they are "politicals," and, owing to their revolutionary activity, found it impossible to return to Russia under the former Government.

Aliens were each asked whether he believed in the tenets of the organization, and all of them made rather evasive replies, trying to make it appear that they accept only parts of the constitution. No two of them have expressed the same views as to the purposes of the organization, but all have agreed that the federation of the several unions of Russian workers no longer exists because the leaders returned to Russia and that the education of Russians was one of the objects. None of the aliens has made any effort to become a citizen of the United States, and each of them apparently expected to return to Russia when the revolution to which they looked forward developed, and have been unable to do so for one reason or another.

The only evidence, in addition to matter of membership in the Russian Workers' Union which supports any of the warrant charges, is the admission by some of the aliens that they have passed out literature or hand bills which have reference to the subject of anarchy.

The inspector in charge at Cleveland believes that the aliens agreed during the period of their detention prior to the time that he took custody of them under department warrant regarding the character of evidence that they would give, and that, in any event, the circumstances connected with the case are such that the evidence in the records relating to each of them should be regarded as equally applying to all of them.

Brief of counsel appears in file 54235/156. The aliens are at large under bonds.

The allegations that aliens were persons likely to become a public charge at the time of entry is not reasonably established, and in any event would have to be dropped with respect to three of them whose entry is not shown to have occurred within five years.

These six subjects of Russia, clearly by their acts in subscribing to the principles and aiding by paying dues and otherwise furthering the spread of a radical anarchistic organization such as the Russian Union Workers are guilty of advocating and teaching anarchy and the unlawful destruction of property in the United States, and the bureau recommends their deportation to Russia on those grounds at Government expense, when possible, and meantime that they be released on the bonds already furnished. Instructions will be issued that the department will decide when deportation shall occur after sailings to Russia are resumed.

Commissioner General.

Approved. _____

Acting Secretary.

MARCH 21, 1919.

In re Mike Elick.

Supplemental memorandum for the Acting Secretary.

This case was presented to the department along with five others in memorandum of July 29 last. Recently Messrs. Isaac Shore and Albert A. Wray, attorneys, of New York City, have presented a brief and made an oral argument in behalf of Elick and the four companions that were taken with him to New York, with the purpose of holding them until deportation should be possible.

The sixth member of the party, Kütz, was left at large on parole in Akron, Ohio, where he had been rendering assistance to the special agent of the Department of Justice. His case is not involved in the present matter.

Additional evidence bearing upon the supposed activities of this man in the spreading of anarchistic propaganda is now on the way from Akron, and the other four cases will be taken up as soon as that evidence can be considered. But there is in this case a recommendation by the inspector in charge of the Ohio district, dated March 10, that the alien be released on a bond and allowed to return to Akron, where he has a wife and child. See letter at marker.

The bureau has again reviewed the record concerning this man. There are some parts of his testimony which make a very good impression. He is a member of the Russian Workers' Union and of course his deportation could be justified as a legal proposition simply upon that ground, as the constitution of that organization shows it to be anarchistic, but under all of the circumstances the bureau feels that it would be proper at this time to give the alien the benefit of such doubt as exists regarding his being an anarchist himself or having engaged actively in anarchistic propaganda in this country. It is accordingly recommended that he be paroled on his own recognizance, and that Attorney Wray be telegraphed to that effect and at the same time advised that the remaining cases are under consideration and will be acted upon within a few days.

A. CAMINETTI,
Acting Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

CASE OF ANDREW CIOFALO.

The case of Andrew Ciofalo, bureau file 54379/400, is similar to that of the one just mentioned. Memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Andrew Ciofalo or A. Ciofalo or Andrea Ciofalo.
2. Number of case (Bureau of Immigration Files): 54379/400.
3. Date of warrant of arrest: First warrant, May 11, 1918; second warrant, March 31, 1919.
4. Charge upon which arrest was made: (1) That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; that he has been found advocating or teaching the unlawful destruction of property; and that he was an anarchist or person who at the time of his entry believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials. (2) That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; that he is an alien anarchist; that he disbelieves in all organized government; and that he is an opponent of all organized government.
5. Date and place of arrest: (1) Alien not found. (2) April 14, 1919. New York, N. Y.
6. Disposition of case: (1) Warrant of arrest canceled; alien not found. (2) Warrant of deportation to Italy at Government expense issued June 3, 1919; paroled to custody of his attorney, Harry Weinberger.
7. Status of case at present: Pending. Alien has disappeared.

MAY 26, 1919.

In re Andrea Cialfalo, male, aged 33; native and subject of Italy; entered the United States in October or November, 1903.

Memorandum for the Acting Secretary.

A warrant issued for the arrest of this alien on May 11, 1918, on the basis of information furnished by the Department of Justice, he being one of a large number of Italians, alleged to be anarchists, whom the investigations of that department had indicated were more or less actively connected with the anarchistic paper *Cronaca Sovversiva*, published in Lynn, Mass., by Luigi Galleani, who was arrested some time ago and whose case is now pending in the district court at Boston under a writ of habeas corpus. In October, 1918, the warrant was returned unserved, because the officials at Ellis Island had been unable to locate the alien. On March 28, 1919, the acting commissioner at Ellis Island applied for a warrant for the arrest of Cialfalo, submitting with his application a report made by Inspector William Feder, showing that the alien had been arrested by New York City police. A warrant issued on March 31, 1919, charging that "he has been found advocating or teaching anarchy or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that he is an alien anarchist; that he disbelieves in all organized government, and that he is an opponent to all organized government."

When this alien was questioned in the jail by Inspector Fedor, "he frankly admitted that he is an anarchist and a contributor to the Italian anarchistic newspaper called *Cronaca Sovversiva*. (See inspector's report, dated Mar. 28, attached to record.) When questioned under the warrant of arrest by Inspector Carl Strahle at Ellis Island he claimed that the admission that he was an anarchist and that he had contributed to the paper was forced out of him by the police officers or the inspector, or both; at least, his testimony indicates that he desired to create the impression that his admission in this regard was made without qualification at that time because of the insistence of the officers upon a direct answer to their questions. The bureau is not disposed to place much credence in this attempt at evasion, especially as the record of the man's examination by Inspector Strahle shows beyond question that he is an anarchist and a disbeliever in government.

When asked the direct question, "Is it true that you are an anarchist?" alien replied "I would like to know from you what is an anarchist and what you understand by the term anarchist." The inspector then asked him "Do you disbelieve in organized government personally?" to which he replied "I do not believe in government, because the Nation does not need a government." By this answer the alien not only gives his own definition of an anarchist, which concurs with the general understanding of the term, but in the same breath shows conclusively that he also falls under that provision of law which requires that aliens who disbelieve in organized government shall be deported.

If it were not for the fact that the commissioner at New York in submitting the case, inferentially recommends that the warrant be canceled and the alien released, the bureau would not deem it worth while to analyze the record further than shown above.

It is clear from a letter written on December 25, 1914, to a friend, and from the article accompanying same, which constitute Exhibits A and B, authorship of which the alien admits, that at that time the alien regarded himself as a real anarchist, the letter and article being an attack upon one Lostia, at whom alien was incensed because Lostia claimed to be an anarchist but did not act in a manner comporting with the alien's ideas of what an anarchist should do. The article was apparently intended for publication in *Cronaca Sovversiva*, for the letter refers to "Gigi," which is the name by which Luigi Galleani is commonly known among his anarchist friends (a fact amply demonstrated by many records on file in the bureau). The alien has stated, moreover, that, "if all people were of my intelligence and education, they would not require a government," and that "for myself, I believe that I do not need any sort of government because I can guide myself." Scarcely could a more accurate definition of belief in anarchy be found than this; certainly it would be difficult to find a more egotistical one. Alien also asserts and reiterates his belief that in this country it is proper to change the government by any means the people may choose to select; he apparently does not realize that we have a Constitution which provides the only lawful method of changing the form of government in this country. He would substitute all organized government with what he calls "spontaneous organizations," by which presumably he means bodies similar to the soviets that have sprung into existence in Russia. The bureau has seldom seen a clearer case of being an anarchist and of disbelieving in organized government, and it recommends that a warrant issue for the alien's deportation on those two grounds.

A. CAMINETTI, *Commissioner General*.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary*.

U. S. DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., July 10, 1919.
COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

I invite your attention to the case of Andrew Ciofalo, whose deportation at Government expense is directed in department warrant No. 54379/400. Pursuant to instructions contained in department letter of April 5, 1919, of the above number, this alien was paroled to the custody of his attorney, Harry Weinberger, 261 Broadway, New York City. At the time of his parole a case was pending against him in the District Court of the Southern District of New York. June 24, 1919, I was informed by the United States attorney to the effect that the case against him in the United States court had been dismissed. June 27, 1919, I made written request on Mr. Weinberger to produce Ciofalo at Ellis Island for deportation not later than noon July 3. It was intended to accomplish his deportation to Italy on the 10th instant. The alien was not produced here. I again requested Mr. Weinberger to produce the alien here, in order that arrangements could be made to return him on sailing of a vessel scheduled to sail July 15. To date the alien has not appeared here. I do not know his present whereabouts. I deem it advisable to inform you of these facts in order that you may know the present status of this case.

BYRON H. UHL,
Assistant Commissioner.

CASE OF GUS LIPKIN.

The case of Gus Lipkin, bureau file 54379/205, is a similar case. Memoranda pertaining to this case read as follows:

1. Full name of person arrested: Gus Lipkin (or Gustav Lipkins).
2. Number of case (Bureau of Immigration files): 54379/205.
3. Date of warrant of arrest: March 27, 1918.
4. Charge upon which arrest was made: Found advocating or teaching the unlawful destruction of property.
5. Date and place of arrest: March 23, 1918. Leadville, Colo.
6. Disposition of case: Ordered deported. Transferred to Ellis Island for deportation. Case reviewed and alien paroled on his own recognizance.
7. Status of case at present: Warrant of deportation pending.

54379/205

JANUARY 15, 1919.

In re Gus Lipkin, aged 24, single, native and subject of Russia, entered presumably at New York, N. Y., on July 5, 1912.
Memorandum for the Acting Secretary:

The above-named alien was arrested at Leadville, Colo., on the ground that he had been found advocating or teaching the unlawful destruction of property.

According to the statements of this man, he has since entry into the United States been employed chiefly as a laborer in the harvest fields of the Middle West during the summer and as a freight handler in Chicago in the winter; that he joined the I. W. W. in 1916, and since then has been a consistent member, paying his dues regularly, and contributing to the defense funds for other I. W. W.'s whenever called upon, among whom were W. D. Haywood, the secretary-treasurer of the organization, who was recently given a sentence of 20 years for violation of the espionage act; that he joined the organization while working in the harvest fields because those who were not members were chased out; and that, after he became a member, he did some chasing himself. The alien made the statement as to assisting in running workmen out of the harvest fields who were not members of the order in his first examination. He now denies this statement, claiming that he did not understand English very well. This excuse is not at all plausible, as he is quite intelligent and speaks English very well. He says that in the early part of 1918 he started from Chicago destined to Bisbee, Ariz.; that he was to meet other workmen in Denver, and with them proceed to Bisbee, all having their expenses paid by the company for whom they were to work, but on arriving at Denver he found they had gone, whereupon he went to Leadville, Colo., and secured work in the mines there. He admits that a man named O'Hare, alias Morrissey, who has since been given a five-year sentence for violation of the espionage act, in company with one Sam Nelson (whose case is considered in file 54379/204), came from Chicago to Leadville, and that he went with them to the house of one John O'Donnell, where plans for organizing the I. W. W. in Leadville were discussed. While he denies that he took any active part in the discussion or in any

attempted organization, he does admit that it was his duty to assist in getting new members for the order. It appears, however, that all these men were arrested a few days after their conference at the home of O'Donnell, and therefore did not get an opportunity to do much in the way of organizing. Lipkin is a firm believer in the tenets and principles of the I. W. W., and believes that the ideas contained in the preamble to the constitution of the organization should be carried out and that it is his duty to assist in the execution of such ideas. He claims that he has read but very little of the literature of the I. W. W. However, he has read a book entitled "The revolutionary I. W. W.," and admits that he believes in its teachings; also is in favor of many of the songs in the official songbook of the order, entitled "Songs to fan the flame of discontent," mentioning Casey Jones, the scab engineer. In the last record of hearing accorded the alien there is little mention made of sabotage, the examining officer stating that he previously had a talk with Lipkin and did all he could to get the latter to commit himself on this subject, but that Lipkin stated positively that he did not believe in sabotage. The inspector therefore believed it unwise again to question him at the hearing, as his denials on this point were very strong. In this respect, however, he is not unlike the vast majority of the members of the organization, radical and otherwise, for to admit a belief in sabotage might in many instances lead to the institution of criminal proceedings. Undoubtedly he has been thoroughly instructed on this point by Sam Nelson, with whom he has been confined in jail. While the alien may not actually by word of mouth have advocated and taught the unlawful destruction of property, the bureau is of opinion that he has done so by his acts, having assisted financially and otherwise an organization which does teach such practice by the publication and distribution of certain literature. The alien was given ample opportunity to secure the services of an attorney, but did not avail himself of such opportunity. It is believed that he is not averse to returning to Russia. There seems little doubt that, had he been given sufficient time, he would have become one of the organizers and active leaders at Leadville. It appears that he has assisted the organization to which he belongs in furthering its teachings and ambitions so far as he was able.

The bureau recommends his deportation to Russia at Government expense on the grounds contained in the warrant of arrest.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

MARCH 20, 1919.

In re Gus Lipkin.

Supplemental memorandum for the Acting Secretary.

This case was presented to the department in memorandum of January 15th. The alien was arrested under the 1917 act on the ground that he had been found advocating or teaching the unlawful destruction of property. He is a member of the I. W. W., and the attorneys of that organization, Miss Lowe and Mr. Recht, have presented a brief and made an argument in his behalf since he was brought to Ellis Island for deportation.

The bureau has reviewed the record again on the basis of the representations made by the attorneys. While it believes that from a strictly legal point of view the deportation of the man could be justified, the bureau is now inclined to give him the benefit of such doubts as exist regarding his personal advocacy or teaching of the unlawful destruction of property and accordingly recommends that he be paroled on his own recognizance.

ALFRED HAMPTON, *Acting Commissioner General*.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary*.

(Notation in ink:) Advise the attorneys, 110 West Fortieth Street.

CASE OF KATIE COHEN.

The case of Katie Cohen, bureau file 54379/529, is similar to the cases last mentioned. Memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Katie Cohen, alias Sadie Cohen.
2. Number of case (Bureau of Immigration files): 54379/529.
3. Date of warrant of arrest: June 22, 1918.

4. Charge upon which arrest was made: That she has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that she was at the time of her entry a member of or affiliated with an organization entertaining and teaching disbelief in or opposition to organized government, or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character; and that she was an anarchist or person who at the time of her entry believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials.

5. Date and place of arrest: June 25, 1918, Chicago, Ill.

6. Disposition of case: Warrant of deportation to Russia at Government expense issued June 26, 1918. Paroled to attorney.

7. Status of case at present: Pending.

54379/529

JUNE 11, 1919.

In re Katie Cohen, alias Sadie Cohen, aged 26, native and citizen of Russia, Hebrew race, landed presumably at New York.

Memorandum for the Acting Secretary:

The case of this woman should be considered in connection with that of William Judin, an acknowledged anarchist, who is now under order of deportation (bureau file No. 54379/528). The evidence shows that up to the time of her arrest she lived in the same flat with Judin and one Andrea Sistani, the latter also being under order of deportation. At the time her case was reported to the bureau in June, 1918, she was in a delicate condition, but the present record does not indicate whether or not she gave birth to a child, neither has it been determined who is the father of her child.

At the first hearing on June 25, 1918, she refused to answer all questions concerning the anarchistic charges placed against her. Three days later she was accorded another hearing, her attorney, Peter Sisman, being present. On this occasion she denied that she was an anarchist, either then or at the time of her entry. She did admit, however, having attended anarchist meetings held by Emma Goldman. She further admits that she attended radical meetings with William Judin and sold copies of the Social War, now known as the Social War Bulletin. She admits that this is an anarchistic publication, and that she knew at the time of selling it that it was such. This publication is the official mouthpiece of an organization known as the International Propaganda Group, or The International Anarchisti Propaganda Group. By reference hereto the following extract from the Social War Bulletin, dated April, 1913, is found; it will be noted that this extract is acknowledged by Judin to contain the statement of views and beliefs of the International Propaganda Group:

"Our principles. The International Propaganda Group of Chicago is organized for the purpose of bringing the ideas of anarchism before the working classes. The group advocated a new social order, where private ownership of land, capital, and machinery shall cease to exist; where the tools of production shall become society's common property, to be managed by the workers themselves. The group realizes that one of the greatest obstacles in the way of mankind's road to progress is the compulsory authority exercised by one class upon another. Therefore the group declares itself against all forms of government and propagates the idea of voluntary association. The overthrow of the present system can not be accomplished through statutory enactments, but by the social revolution. The group, therefore, repudiates politics and politicians and advocates direct action by the workers in their struggle for emancipation (p. 5)."

The alien claims, however, that she did not sell the Social War in order to assist in bringing to the United States the anarchistic ideas that are published therein, but simply to accommodate Judin, who asked her to sell it for him. In the course of the hearing the alien admitted that she has been living in the Workers' Institute, where the International Propaganda Group holds its meetings.

The Government presents the testimony of Lawrence L. McDonald, detective sergeant of the Chicago police force. He states that he had had the alien Katie Cohen under observation for a period of about nine months or a year; that she lived in a flat at 1024 East Forty-third Street, which was occupied by William Judin and Andrea Sistani and a girl by the name of Levin; that he has seen her many times at meetings held by Emma Goldman, the League of Humanity, and the Anti-Military League; that she attended these meetings to collect money for the benefit of these leagues, as well as for the 11 Italian prisoners confined in the Wisconsin State Penitentiary for their participation in the bomb-throwing episode at Milwaukee; also that at these meetings she was very active in the selling of the Social War, and that he has read this

publication and knows that it contains articles of an anarchistic nature. He further stated that at the time he arrested William Judin in the apartment at 1024 East Forty-third Street she (Katie Cohen) said to him in the presence of two members of the police force that she would make a good anarchist out of him; that he asked her why she thought she could make a good anarchist out of him, and she replied that she had a way of doing that. No witnesses were produced at the hearing either for or against the alien, except Sergt. McDonald for the Government.

The bureau is of the opinion that this woman, by her acts in disseminating anarchistic literature, is guilty of the charge of teaching anarchy, and upon that ground has to recommend her deportation to Russia at Government expense when possible. Meanwhile she may be released if she furnishes a bond in the penalty of \$1,000.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

There appears in the files of the Bureau of Immigration a list of names, under the heading "Memorandum of Seattle cases brought to Ellis Island for deportation, February 11, 1919 (aliens charged with violation of anarchistic provisions of law), showing disposition of each." This is followed by a sort of a memorandum summary regarding some of the cases. Copy of same reads as follows:

DISPOSITION OF SEATTLE CASES AT ELLIS ISLAND.

Memorandum of Seattle cases brought to Ellis Island for deportation, Feb. 11, 1919 (aliens charged with violation of anarchistic provisions of law), showing disposition of each.

File No.	Name.	Nationality.	Disposition.
54379/491	Charles Bernat.....	Russia.....	Released under bond.
54379/53	August Bostrom.....	Sweden.....	Paroled.
54517/16	Martin de Wal.....	Holland (?).....	Released under bond; impossible to obtain passport; no proof of nationality.
54379/508	Sam. H. Dixon.....	England.....	Deported.
54379/12	Sol. Ehrlich.....	Russia.....	Released under bond.
54379/12	Chas. P. Emersen.....	Germany.....	Deported.
54379/416	William Fields.....	England.....	Do.
54517/68	Olaf Finnestad.....	Norway.....	Do.
54379/23	Edwin Flogaus.....	Poland.....	Paroled.
54379/114	Fritz Holm.....	Sweden.....	Deported.
54379/76	Jalmar Holm.....	do.....	Paroled.
54379/86	Charles Jackson.....	Denmark.....	Released after habeas corpus.
54547/15	Herbert H. Jackson.....	England.....	Deported.
54554/40	Alfred Johnson.....	do.....	Not anarchistic, etc.
54379/50	Christ. L. Johnson.....	Norway.....	Paroled.
54554/3	Olaf Johnson.....	do.....	Not anarchistic, etc.
54379/425	Alex. Kisil.....	Austria.....	Released on bond.
54379/28	John Leivo.....	Finland.....	Paroled.
54379/205	Gustav Lipkins.....	Russia.....	Do.
54235/102	Ephim Listkoff.....	do.....	Do.
54379/82	William Longfors.....	Denmark.....	Do.
54379/44	James Lund.....	Sweden.....	Do.
54379/501	E. E. McDonald.....	Denmark.....	Warrant canceled.
54517/54	Donald McPherson.....	England.....	Deported.
54379/5	Joe Martin.....	Russia.....	Paroled.
54379/101	Kazis Maskalunas.....	do.....	Released on bond.
54379/134	Peter W. Merta and wife.....	Finland.....	Do.
54379/48	Louis Mische.....	Switzerland (?).....	Discharged, U. S. citizen.
54379/186	Frank Mihalik.....	Austria.....	Fugitive (escaped from hospital).
54379/18	John Morgan.....	England.....	Paroled.
54379/204	Sam Nelson.....	Sweden.....	Released after habeas corpus.
54353/608	Evald Olsen.....	do.....	Not anarchistic, etc.
54414/81	Albert Osborn.....	Norway.....	Do.
54517/33	Magnus Otterholm.....	do.....	Paroled.
54379/185	John Berg.....	Denmark.....	Do.
54378/417	Thomas Rimmer.....	England.....	Deported.
54379/183	McGregor S. Ross.....	Scotland.....	Paroled.
54379/54	John Sheehan.....	Ireland.....	Deported.
54235/112	Aaron Slutsker.....	Russia.....	Paroled.
54379/68	Arthur J. Smith.....	England.....	Do.
54517/93	Axel Hendrickson.....	do.....	Do.

Deported.....	9
On bond awaiting deportation.....	7
Paroled.....	16
Discharged.....	4
Fugitive.....	1
Total.....	37

NOTE.—Foregoing is an exact copy. Totals, however, do not agree with list, which shows 41 names.

CASES PAROLED FROM ELLIS ISLAND.

54379/44. James Lund. Arrested at Seattle, January 18, 1918; charge advocating or teaching anarchy, etc. Parole for one year directed, November 15, 1918, under following decision:

"This man states that he has been a member of the I. W. W. since July, 1917, and has not only paid his dues to the organization, but has contributed to various defense funds solicited by it. Various paragraphs from the official books and pamphlets of the order were read to him, but it is almost impossible to secure a definite answer from him as to his beliefs. He is below the average in intelligence and in fairness to him it may be said that it is quite possible that he did not at the time of joining realize or understand the principles and teachings of this organization. At any rate it does not appear that he is an active member or a dangerous propagandist. It is believed that justice will be done if final action is suspended and this man released upon his own recognizance for a period of one year, with the understanding that he is to report quarterly to the nearest immigration official as to his occupation and conduct. It is so recommended."

Refused to accept parole, and was accordingly rearrested under the provisions of the act of October 16, 1918, on a warrant charging that "he has been found a member of * * * an organization * * * that advocates or teaches the unlawful destruction of property." Decision of February 4, 1919, sustained this charge on the record of hearing submitted by the Seattle office, and directed deportation to Sweden at Government expense. Alien was removed to Ellis Island in party leaving Seattle February 6, 1919, after which application was made to the Department by his counsel for a reconsideration of his case. Such application was granted, and on March 14, 1919, the following decision was approved: "Since this case was finally presented to the Department in memorandum of February 4, attorneys Lowe and Recht have made an earnest argument in alien's behalf. When the case was first summarized on November 25, the bureau recommended that the alien be released on his own recognizance for a period of one year as the evidence in hand did not clearly establish that he had been personally advocating or teaching the unlawful destruction of property. He refused to accept the release, and that circumstance was thought to justify his rearrest under the act of October 16, 1918, on the simple charge that he was a member of an organization which advocated or taught the unlawful destruction of property. There is only a little evidence in the record that can be pointed to as a justification for holding that the man has, either as a member of the organization or independently, distributed literature or otherwise advocated the unlawful destruction of property; and the bureau is satisfied from the statements made by the attorneys that in this instance the previous decision is not as fully or as substantially supported as is desirable under the policy which is being followed in these cases generally. It is accordingly recommended that the alien be released on his own recognizance."

Alien was accordingly released from Ellis Island on March 17, 1919, and under outstanding instructions the case is to be brought up for final consideration on or about January 1, 1920.

54379/23. Edwin Flogaus. Arrested at Seattle January 16, 1918, on same charge as James Lund, above. Decision thereon approved November 25, 1918, as follows:

"The evidence of the record does not fully support the warrant charges. It is not unlikely thought that all the facts have not been developed and the same will be brought out by further inquiry. It is accordingly recommended that decision be held in abeyance for one year and alien released upon his own recognizance if he agrees to report to the Seattle office his whereabouts and occupation."

This he refused to do. The new act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the ground of membership in an organization which advocates or teaches the unlawful destruction of property. Decision of February 4, 1919, sustained that charge, and directed the alien's deportation to Poland at Government expense. Alien was in pursuance thereof removed to Ellis Island, and after consideration of petition of counsel for a reopening and reconsideration of the case, the following decision was approved on March 14, 1919:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously; and the Bureau recommends that the alien be released on his own recognizance."

Released March 17, 1919. Case to be called up on or about January 1, 1920.

54379/53. August Boxrom. Arrested at Seattle, January 19, 1918, on charge "found advocating or teaching the unlawful destruction of property." Upon review of the record of hearing under this warrant, the following conclusion was expressed in decision of November 19, 1918:

"The evidence does not establish the warrant charges. It seems possible, however, that evidence does exist and that the same can be developed by further discreet inquiry. It is accordingly recommended that decision in the case be postponed for a year and in the meantime alien be released on his own recognizance if he agrees to report every three months his whereabouts and occupation to the Commissioner at Seattle."

He refused parole, and as in the preceding cases was rearrested under the act of October 16, 1918, whereupon, after hearing under the new warrant, the following decision was approved, February 4, 1919:

"The bureau is convinced from the record that the alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property and upon that ground has to recommend his deportation to Sweden at Government expense."

Alien was accordingly brought to Ellis Island for deportation, and on March 14, 1919, after consideration of petition for reopening, the following decision was had:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance."

54379/28. John Leivo, alias Litmonen. Arrested at Seattle, January 17, 1918, on the charge advocating or teaching anarchy; warrant amended February 5, 1918, changing the charge to that of advocating or teaching the unlawful destruction of property. After review of the record of hearing under this warrant, the following decision was approved, November 22, 1918:

"The evidence does not fully support the warrant charge that alien has been found advocating or teaching the unlawful destruction of property. * * * The bureau accordingly recommends that decision be held in abeyance for one year and the man released upon his own recognizance, if he agrees to report his whereabouts and occupation monthly to the commissioner at Seattle."

As in the preceding cases, alien refused to accept parole, and was rearrested under the act of October 16, 1918, as a member of an organization advocating or teaching the unlawful destruction of property. This charge was sustained by the decision of February 4, 1919.

"Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Finland at Government expense."

Alien was thereafter removed to Ellis Island and petition was received from his counsel for reopening and reconsideration. Decision of March 14, 1919, was approved as follows:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance."

Released, March 17, 1919, and case to be called up on or about January 1, 1920.

54379/50. Christ Johnson. Arrested at Seattle, January 19, 1918, on the charge advocating or teaching the unlawful destruction of property; hearing reviewed and decision rendered November 25, 1918, as follows:

"The evidence does not fully support the warrant charges. It is not unlikely, however, in view of alien's admissions, that the true situation concerning his beliefs has not been fully developed. The bureau accordingly recommends that decision be held in abeyance for one year, provided alien agrees to keep the Seattle office advised of his whereabouts and occupation."

Refused to accept parole; rearrested January 18, 1919, as a member of an organization that advocates or teaches the unlawful destruction of property. The following decision was approved February 4, 1919, after consideration of the record of hearing under the last named warrant.

"Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Norway at Government expense."

After removal to Ellis Island for deportation and a consideration of petition of attorneys for reopening of case, the following action was taken March 14, 1919:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously, and the bureau recommends that the alien be released on his recognizance."

The alien was accordingly released March 17, 1919, and case is to be brought up on or about January 1, 1920.

54379/5. Joe Martin. Arrested at Seattle, January 14, 1918, on the ground "found advocating or teaching the unlawful destruction of property." Decision approved November 3, 1918, as follows:

"The record contains very little, if any, direct evidence supporting the charge that alien has been found advocating or teaching the unlawful destruction of property. It seems likely, in view of the testimony concerning his beliefs, etc., that were the true facts developed it would be found he comes within some class deportable under the law. The bureau accordingly recommends that decision be held in abeyance for one year and alien released upon his own recognizance provided he agrees to keep the Seattle office advised of his whereabouts and occupation."

Declined to accept parole and taken into custody under new warrant dated January 17, 1918. Hearing had and the following decision approved February 4, 1919:

"A prima facie case as to the alien's membership in the I. W. W. has been established by his sworn statement at a previous hearing, which hearing has been incorporated into and made a part of this record, to the effect that he joined the I. W. W. about four years ago, is still a member, believes in its principles and teachings, has contributed money to defense funds solicited by it, and, in short, has done all he could to advance its interests. The burden of proof is now upon the alien to refute the charge that he is a member of the I. W. W., an organization teaching and advocating the unlawful destruction of property. The bureau has also introduced into the record ample evidence showing that the I. W. W. is an organization which teaches or advocates the unlawful destruction of property."

"The bureau recommends the alien's deportation to Russia at Government expense upon the ground that he is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property."

Removed to Ellis Island for deportation and after consideration of application for reopening made by alien's attorneys, the following decision was approved March 14, 1919:

"Attorneys * * * have directed attention to several points favorable to him which had been overlooked when the record was previously considered on two occasions. The man's defiant attitude made a very bad impression upon all those with whom he has come in contact and even the cold typewritten record does not make a good impression. Nevertheless, following the line which the bureau and department have been attempting to draw in all these cases between the technical or literal and the substantial, and taking into consideration the points to which the attorneys have now directed attention, the bureau recommends that the petition for reopening be granted and the alien released on his own recognizance."

Released March 17, 1919, and case to be brought up on or about January 1, 1920.

54379/183. McGregor S. Ross. Arrested at Seattle March 16, 1918; charge, advocating or teaching the unlawful destruction of property. Deportation directed November 25, 1918, under the following decision:

"In the bureau's opinion the allegation that alien was a person likely to become a public charge at the time of entry, at which time he was not inspected, is established by the evidence, and that the charge that he had been found advocating or teaching the unlawful destruction of property is also reasonably proven by the evidence relating to the distribution of literature of the I. W. W., which advocates and teaches sabotage. The bureau recommends that warrant of deportation be issued, the alien to be returned to Scotland at Government expense."

After removal to Ellis Island for deportation, petition for reopening of the case was made by attorneys for alien, and on March 14, 1919, the following decision was approved:

"This case was considered by the department on the basis of bureau memorandum of November 25, and a warrant issued on December 5 for his deportation on the two grounds: (1) That he has been found advocating or teaching the unlawful destruction of property and (2) that he was a person likely to become a public charge at the time of his entry. It is fair to assume from the record that this man last entered the United States between four and five years ago, coming down from Canada, to which country he states he has made several visits since he first came here from Scotland in 1865; but there is no definite evidence or information as to when this last entry occurred. Technically, on the basis of the man's own statement, it could doubtless be maintained that he is subject to deportation on the last charge, so far as the time limit is concerned. The conclusion that he was likely to become a public charge when he last entered is based largely upon his testimony concerning his activities as an I. W. W. member. He has always made a living, however, and has accumulated some property."

"With regard to the main charge there is considerable in the old man's testimony indicating that he is not only a radical in his beliefs, but that he has been actually distributing literature that teaches the unlawful destruction of property. There is

running through the alien's statements, however, an indication of a frame of mind, irritated if not actually bitter, produced by injustice or supposed injustice perpetrated upon him and others similarly situated; and on again reviewing the record, in the light of statements and arguments made by attorneys, the bureau is inclined to think that Ross really has done himself an injustice. Moreover, as pointed out by the attorneys, this man has lived in the United States, except for short visits to Canada, since he was a boy; he is 65 years old and really knows no other country or home than the United States.

"Taking all of the favorable features of the case into consideration the bureau is inclined to believe that in all substantial respects they outweigh the unfavorable, although the record amply justifies deportation if the case is considered simply from the legal point of view. It is recommended that the case be reopened and the alien released on his own recognizance."

The alien was released on March 17, 1919, and on August 21, 1919, the Commissioner of Immigration at Seattle was instructed to make an investigation of the alleged activities of Ross in that district.

54379/82. William Longfors. Arrested at Seattle, January 25, 1918, on same grounds as in preceding case, and deportation to Denmark at Government expense directed in decision of November 22, 1918. After removal to Ellis Island, a petition for reopening filed by alien's attorneys was denied on March 14, 1919. Writ of habeas corpus was applied for, and pursuant to understanding between the court and the United States Attorney's office, the case, together with two others of a similar nature, was taken up for reconsideration, and on April 17, 1919, the following decision was approved:

"As these cases (Longfors and Otterholm) are in all substantial respects similar to that of Sam Nelson, in which Judge A. N. Hand sustained a writ of habeas corpus, and as we have asked for an appeal of that case and the United States Attorney in New York is to write the Attorney General so recommending, Mr. Parker agreed to the view of the United States Attorney's office that it would probably do more harm than good to get adverse decisions on these two in addition to the Nelson case. Accordingly an understanding was had all around that these two cases should go over for two weeks and that they would be taken up by the department again.

"Both of the cases are pretty near the border line—have been so regarded right along, and Longfors was never advised at any stage of the proceedings that he was entitled to counsel. It is now recommended that the aliens be paroled on their own recognizance."

In accordance therewith the alien was released from custody on April 19, 1919, and his case is to be brought up for final disposition on or about January 1, 1920.

54517/33. Magnus Otterholm. Arrested at Seattle, August 12, 1918, on the same charge as preceding cases. Deportation to Norway at Government expense was directed under decision of October 28, 1918. After removal to Ellis Island, an application for the reopening of the case was received from alien's attorneys, which was denied in decision of March 14, 1919. Writ of habeas corpus was sought in southern district of New York, and in accordance with understanding with the United States attorney's office, the case was reconsidered and alien's parole was directed under the following decision:

"As these cases (Longfors and Otterholm) are in all substantial respects similar to that of Sam Nelson, in which Judge A. N. Hand sustained a writ of habeas corpus, and as we have asked for an appeal of that case and the United States Attorney in New York is to write the Attorney General so recommending, Mr. Parker agreed to the view of the United States Attorney's office that it would probably do more harm than good to get adverse decisions on these two in addition to the Nelson case. Accordingly an understanding was had all around that these two cases should go over for two weeks and that they would be taken up by the department again.

"Both of the cases are pretty near the border line—have been so regarded right along, and Longfors was never advised at any stage of the proceedings that he was entitled to counsel. It is now recommended that the aliens be paroled on their own recognizance."

The alien was released from custody on March 17, 1919. Case to be called up for final determination on or about January 1, 1920.

54379/18. John Morgan. Arrested at Seattle, January 15, 1918, on charge of advocating or teaching the unlawful destruction of property. Ordered deported to England at Government expense under decision of December 2, 1918. Removed to Ellis Island for deportation and petition of attorneys for reopening of the case denied under decision of March 14, 1919. Writ of habeas corpus applied for and in pursuance of understanding with United States attorney's office, as in the two preceding cases, the case was reconsidered and on April 17, 1917, alien's parole was directed under the following decision:

"In this case it was found as a result of the traverse to the return of the writ of habeas corpus, made by his attorney, that the record and return were defective. While these defects, especially those in the return, could have been cured before the court, the United States attorney and Mr. Parker reached the conclusion that the case was so near like that of Sam Nelson which had been decided against the Government by the district court (and in which an appeal is being recommended by the United States attorney), that to go on with the case would probably result in adding another decision unfavorable to the Government in the district court in New York. They, therefore consented to the suggestion of alien's attorney that the case be allowed to go over in court for two weeks and that meanwhile the matter would be given further consideration by the department.

"This man is not shown to be a bad character, nor to have been particularly active in spreading I. W. W. propaganda, although he did act as a delegate and organizer and probably distributed more of the literature than he has been willing to admit. As a matter of expediency, and with the hope that by so doing we will get better results than otherwise would accrue in the court at New York, it is now recommended that the alien be paroled upon his own recognizance."

Alien was released on April 19, 1919. This case is to be brought up on or about January 1, 1920, for final determination.

54379/185. John Berg. Arrested at Seattle March 19, 1919, on charge, found advocating or teaching the unlawful destruction of property. After hearing was held under this warrant, the department granted this alien permission to reshipe foreign, but the record shows that it was impossible to obtain a berth for him, although the assistance of the Norwegian vice consul was enlisted. On November 20, 1918, his deportation to Denmark at Government expense was accordingly directed and he was removed to Ellis Island for deportation. Petition for reopening of the case was filed by attorneys, and on March 14, 1919, the following decision was approved:

"Berg has not been regarded on the evidence in hand as nearly so dangerous a character as some of the aliens arrested about the same time as he, and the argument made by Attorneys Lowe and Recht has convinced the bureau, taking into consideration at the same time evidence given by Miss Lowe (who happens to be personally acquainted with Berg), that it can properly now recommend that the alien be released on his own recognizance. Miss Lowe has testified very favorably to Berg's general character. He has lived in the United States for a long time, and is getting to be an old man. He is a sailor by calling, and he was thought well enough of, on the previous record, to consent to his shipping out as a sailor, but it proved impracticable to get a berth for him on a ship sailing out of Seattle.

"The Ellis Island office should be advised that, if the alien now desires to ship as a seaman, they should assist him as far as possible to secure a berth as a sailor; but that if his shipping out is not possible he should be released on his own recognizance."

Alien was released March 17, 1919, and his case, together with the others listed in this memorandum, is to be called up on or about January 1, 1920, for final disposition.

54517/93. Axel Hendrickson. Arrested at Seattle December 21, 1918, on the charge of being a member of an organization teaching or advocating the unlawful destruction of property, and under decision of February 4, 1919, his deportation to Finland at Government expense was directed on that ground. After removal to Ellis Island and consideration of an application for reopening of the case, the following decision was approved March 14, 1919:

"This case was presented to the department in memorandum of February 4. Unlike most of the cases that are now before the department the original proceedings were instituted under the new act approved October 16, 1918. Attorneys have presented a brief and made an oral argument in this man's favor. The record has again been reviewed in the light of what they present.

"The examining officer seems to have been somewhat misled by the wording of the warrant with regard to what he was expected to interrogate the alien upon, and he devoted himself much more to the matter of attempting to establish the alien's membership in the I. W. W. than he did to ascertaining what, if any, substantial activities had been carried on by the alien himself in the teaching of the unlawful destruction of property. The alien is an ignorant Finlander. He seems to have been acting as an organizer in the I. W. W. to some extent recently. There is little in the record, however, to show that he actually distributed any of the literature published or disseminated by that organization which contains the inhibited doctrines. The bureau recommends that the case be reopened and the alien released on his own recognizance."

"Alien was accordingly released from custody on March 17, 1919. This case to be called up on or about January 1, 1920, for final disposition.

54379/68. Arthur J. Smith. Arrested at Seattle January 23, 1918, as a person who had been found advocating or teaching the unlawful destruction of property. On

November 11, 1918, the alien's parole for one year was directed, with the understanding that he should report quarterly at the immigration office at Seattle, a further investigation into his activities to be made in the meantime, with a view to his rearrest under the act of October 16, 1918. After his release it was brought to the attention of the Seattle office that he was again active in I. W. W. propaganda, and he was accordingly rearrested under the new law of December 23, 1918, as a member of an organization teaching the unlawful destruction of property. Deportation to England at Government expense was directed by decision of February 4, 1919, and he was accordingly removed to Ellis Island. An application for reconsideration was decided in alien's favor on March 14, 1919, for the reason that his case corresponded with that of James Lund (first case quoted in this memorandum). He was accordingly released from custody on March 17, 1919. His case is now under investigation by the Seattle office.

54235/160. Mike Elick. Arrested at Akron, Ohio, December 10, 1917, on the ground found advocating or teaching anarchy. Deportation to Russia at Government expense directed November 23, 1918. Deportation stayed for some time on account of condition of wife's health. Application for writ of habeas corpus was made in this case, but was subsequently withdrawn and application made for reopening of the case before the department. This was granted and considerable new material was submitted to the department, as a result of which the following decision was approved March 21, 1919:

"The bureau has again reviewed the record concerning this man. There are some parts of his testimony which make a very good impression. He is a member of the Russian Workers' Union and of course his deportation could be justified as a legal proposition simply upon that ground as the constitution of that organization shows it to be anarchistic; but under all of the circumstances the bureau feels that it would be proper at this time to give the alien the benefit of such doubts as exist regarding his being an anarchist himself or having engaged actively in anarchistic propaganda in this country. It is accordingly recommended that he be paroled on his own recognizance."

This case has never finally been determined and is on the calendar to be brought up for final consideration about January 1, 1920.

54379/76. Jalmar Holm. Arrested at Seattle January 25, 1918, on the charge, advocating or teaching the unlawful destruction of property. Ordered deported to Sweden at Government expense by decision of November 5, 1918, with the provision that until deportation became possible he should be released under rule 17-A. He refused such release and was rearrested under act of October 16, 1918, and under decision of February 4, 1919, was again ordered deported to Sweden at Government expense, as a member of an organization teaching or advocating the unlawful destruction of property. He was brought to Ellis Island for deportation, and after consideration of petition for reopening of case, his release on his own recognizance was directed by decision of March 14, 1919, for the same reasons as set forth in the case of James Lund, quoted at the beginning of this memorandum. This case is also to be called up on or about January 1, 1920.

54235/102. Ephim Listkoff. Arrested at Seattle November 28, 1917, on the ground, advocating or teaching anarchy. This alien was a member of the Russian Workers' Union. His deportation to Russia at Government expense was directed by decision of November 18, 1918, and being unable to furnish bond in the sum of \$1,000 (the acceptance of which was authorized), he was conveyed to New York for deportation. On March 20, 1919, the following decision was approved, after a reopening of the case on petition of alien's attorneys:

"This man is a member of the Russian Workers' Union. He has been an officer of the local union in Seattle and evidently has been something of a leader. He was arrested under the act of 1917, however, charged with advocating or teaching anarchy; no action has ever been taken against him under the act of October 16, 1918. As the constitution of the Russian Workers' Union shows it to be an anarchistic organization, it would be a perfectly simple matter to bring about the deportation of this alien under the act of October 16; indeed, a pretty fair case is made out against him under the previous law. But on reviewing his testimony in detail the bureau is considerably impressed with his claim that, while he is quite radical in his views with respect to the rights of laboring men as compared with those of capitalists, he is not an anarchist himself and has not been, directly at least, spreading any anarchistic propaganda.

"The bureau now recommends that the alien be paroled upon his own recognizance."

He was accordingly released March 25, 1919, and his case is to be brought up for final determination on or about January 1, 1920.

54235/102. Gustav Lipkins. Arrested at Leadville, Colo., March 27, 1918, as a person advocating the unlawful destruction of property. Under decision of January 2, 1919, deportation to Russia at Government expense was directed. Petition was thereafter made by attorneys for reopening of the case, and on March 20, 1919, the following decision was approved:

"The bureau has reviewed the record again on the basis of the representations made by the attorneys. While it believes that from a strictly legal point of view the deportation of the man could be justified, the bureau is now inclined to give him the benefit of such doubts as exist regarding his personal advocacy or teaching of the unlawful destruction of property and accordingly recommends that he be paroled on his own recognizance."

He was accordingly released on March 23, 1919, and his case is to be called up on or about January 1, 1920.

54235/112. Aaron Slutzker. Arrested at Seattle November 28, 1917, on the ground, advocating or teaching anarchy. By decision of September 28, 1919, was ordered deported to Russia at Government expense when possible, and in the meantime to be released on bond of \$1,000, the ground for deportation being that he was a person likely to become a public charge at time of entry. He was accordingly removed to Ellis Island for deportation, and petition was made by his counsel for a review and reopening of the case, which was granted by department decision of March 14, 1919, as follows:

"It is not shown that the alien is a member of the Russian Workers' Union. He denies being a member of the I. W. W., but his denial is not altogether convincing. It is not shown, however, that he has been active in distributing the literature of the I. W. W. that teaches the unlawful destruction of property. The charge made in the warrant of deportation is simply that he was likely to become a public charge at the time of his last entry from Canada. He served in the Canadian Army for a short period, and made a favorable impression upon his officers. He was discharged because he was not physically fit for overseas duty. "Altogether, on again reviewing the record, the bureau is disposed to recommend that the application for reopening be granted, and the alien released on his own recognizance."

Was released on March 17, 1919, and case is to be brought up for final determination on or about January 1, 1920.

54379/400. Andrew Ciafalo. Arrested at New York March 31, 1919, on ground of advocating or teaching anarchy. At the time the warrant of arrest was served, this alien was under a bond of \$1,000 to the United States court, and he was accordingly paroled to the custody of his attorney. His deportation to Italy at Government expense was directed under decision of May 26, 1919. Attorney has been called upon to produce this alien for deportation, and efforts are now being made to take him into custody.

54379/529. Katie Cohen. Arrested at Chicago June 22, 1918, on the ground of advocating or teaching anarchy. On account of her physical condition at the time, it was inhumane to keep her in custody, and she was unable to furnish bond. She was accordingly paroled to the custody of her attorney. Hearing was in the meantime held under the warrant of arrest, and her deportation to Russia at Government expense was directed by decision of June 11, 1919. The bureau is informed that this alien is now in New York City, and if located she will be taken into custody under the outstanding warrant of deportation.

SEATTLE CASES RELEASED ON BOND.

54379/491. Charles Bernat. Arrested at Seattle June 14, 1918, on the charge advocating or teaching unlawful destruction of property; ordered deported to Russia at Government expense November 21, 1918. Writ of habeas corpus applied for and dismissed by United States court at Seattle; brought to Ellis Island for deportation February 11, 1919; writ of habeas corpus again applied for in United States court at New York and dismissed by said court June 6, 1919. Release under bond in the sum of \$1,000 approved July 22, 1919.

54379/425. Alex Kisil. Arrested at Seattle May 5, 1918; same ground as preceding case. Deportation to Austria at Government expense directed by decision approved December 2, 1918; release under rule 17-A to be permitted pending deportation. It was impossible to comply with this condition and alien was accordingly removed to Ellis Island for deportation; writ of habeas corpus sued out, dismissed by United States court at New York; release under bond in the sum of \$1,000, pending possible deportation to his native country authorized July 22, 1919.

54379/134. Peter Williamson Merta or Melta, and wife, Elsie. Husband arrested at Seattle March 1, 1918, as a person found advocating or teaching the unlawful

destruction of property, and rearrested under new anarchy law, December 13, 1918; ordered deported to Finland at Government expense January 3, 1918; wife arrested January 24, 1919, as a member of an organization advocating or teaching the unlawful destruction of property, and on that ground ordered deported to Finland at Government expense February 4, 1919. These aliens were removed to Ellis Island for deportation February 11, 1919, after writ of habeas corpus had been denied by the courts in Seattle. Writ of habeas corpus applied for in United States court at New York and dismissed. Difficulty having been had in securing a passport to Finland for these aliens, a temporary release under bond was approved August 30, 1919. Former advices of the State Department are that considerable difficulty is being experienced in getting the provisional Finnish minister to authorize passports, and it may be a considerable length of time, if at all, before such passports can be secured.

54379/101. Kazis Maskalunas. Arrested at Seattle January 31, 1918, on the ground advocating or teaching anarchy, and ordered deported to Russia at Government expense; removed to Ellis Island for deportation; case was reopened at request of attorneys for production of additional evidence, but this was not submitted, and the case has recently been closed and arrangements are now being made for alien's deportation as soon as possible. He is now at large on \$1,000 bond.

54379/12. Sol Ehrlich. Arrested at Seattle January 14, 1918, on the ground advocating or teaching the unlawful destruction of property; ordered deported to Russia at Government expense November 19, 1918, and brought to New York for deportation. Application of counsel to reopen case denied and writ of habeas corpus applied for, but case not brought into court as the attorney conceded "that on the record it would hardly be worth while to take up the time of the court with an argument." Pending deportation to Russia, alien has been released on depositing Liberty bonds amounting to \$1,000.

54616/18. John Patterson. Arrested at Seattle, February 7, 1919, as a disbeliever in all organized Government, etc. Ordered deported to Scotland at Government expense, on the ground "found advocating or teaching the unlawful destruction of property. Owing to inability to secure passport from British Government (no proof of birth), it has not been possible to deport, and authority was granted July 29, 1919, for alien's release on deposit of \$500 in Liberty bonds.

54379/100. Hersh Linsky. Arrested at Seattle, January 29, 1918, and ordered deported, January 23, 1919, as a person found advocating or teaching anarchy, deportation at the expense of the steamship company to the country whence alien came. He arrived at Seattle October 7, 1916, via *Osaka Shosen Kaisha* from Harbin, Siberia, by way of Japan.

CASES ARISING AT SEATTLE UNDER ANARCHISTIC AND SIMILAR PROVISIONS IN WHICH THE ALIENS CONCERNED HAVE BEEN DEPORTED.

54547/15. Herbert Harold Jackson. Arrested at Seattle, December 24, 1918, and ordered deported to England at Government expense February 4, 1919, as a member of an organization teaching the unlawful destruction of property. Deported February 27, 1919.

54379/196. Henning Anderson. Arrested at St. Maries, Idaho, March 26, 1918, on the ground advocating or teaching unlawful destruction of property; ordered deported to Sweden at Government expense September 20, 1918, and deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54379/532. Margaret and Janet Roy. Arrested at Seattle, June 24, 1918, on the ground found advocating or teaching the unlawful destruction of property; deported to Scotland at steamship company's expense, July 22, 1919.

54379/451. David Nordloff. Arrested at Seattle, May 22, 1918, on ground found advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense June 6, 1919; departed voluntarily with family June 12, 1919.

54379/241. Lars Anderson. Arrested at Seattle, April 6, 1918, on ground advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense October 2, 1918, and deported November 4, 1918; writ of habeas corpus issued but dismissed.

54517/88. Sidney Metcalfe. Arrested at Seattle, January 4, 1919, and ordered deported to England at Government expense May 28, 1919, as advocating the overthrow by force or violence of the Government of the United States. Deported June 21, 1919.

54379/197. David E. Johnson. Arrested at Seattle, March 26, 1918, on ground advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense October 2, 1918, and deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54379/199. Nels Madison. Arrested at St. Maries, Idaho, March 26, 1918, on same ground as preceding case; ordered deported to Norway October 2, 1918 at Govern-

ment expense; deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54379/61. Fritz Holm. Arrested at Seattle, February 6, 1918, on ground found advocating or teaching unlawful destruction of property; ordered deported to Sweden at Government expense January 22, 1919; deported July 8, 1919, after an application for writ of habeas corpus had been denied.

54379/9. Oscar Johnson. Arrested at Seattle, January 14, 1918, on same ground as preceding case; ordered deported to Sweden at Government expense October 2, 1918; deported October 31, 1918.

54379/13. Charles Peter Emerson. Arrested at Seattle, January 14, 1918, on ground found advocating or teaching the unlawful destruction of property; ordered deported to Germany at Government expense December 31, 1918; deported September 26, 1919, as a person likely to become a public charge at time of entry.

54379/116. Karl W. Sonntag. Arrested at Walla Walla, Wash., on ground found advocating or teaching the unlawful destruction of property; accepted repatriation on June 23, 1919, before warrant of deportation to Germany issued.

54517/68. Olaf Finnestad. Arrested at Seattle, October 23, 1918, on ground advocating or teaching the unlawful destruction of property; ordered deported to Norway at Government expense January 25, 1919; deported March 1, 1919.

54379/240. Edward Berg. Arrested at Seattle, April 6, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense October 2, 1918; writ of habeas corpus sued out but dismissed; deported November 4, 1918.

54379/417. Thomas Rimmer. Arrested at Seattle, May 8, 1918, on charge found advocating or teaching unlawful destruction of property; ordered deported to England at Government expense December 5, 1918; deported February 27, 1919, as a person likely to become a public charge at time of entry.

54379/416. William Fields. Arrested at Seattle, May 8, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to England at Government expense January 31, 1919; deported February 27, 1919.

54379/503. Samuel H. Dixon. Arrested at Seattle, June 10, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to England at Government expense November 26, 1918, and deported June 21, 1919, after an application for writ of habeas corpus had been denied.

54379/74. W. E. Graham. Arrested at Seattle, January 25, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Canada at Government expense October 7, 1918; deported January 9, 1919, as a person likely to become a public charge at time of entry.

54379/54. John Sheehan. Arrested at Seattle, January 19, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Ireland at Government expense December 3, 1918, deported February 27, 1912.

54235/57. Henry W. Watts. Arrested at Seattle, October 15, 1917, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Canada January 25, 1918; deported as a person likely to become a public charge at time of entry February 27, 1918.

54379/33. Otto Bergleind. Arrested at Seattle January 17, 1918, on charge found advocating or teaching anarchy; ordered deported to Sweden at Government expense October 2, 1918; deported October 31, 1918, as found advocating or teaching the unlawful destruction of property.

54379/235. Charles Spangberg. Arrested at Seattle April 6, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Sweden October 2, 1918, at Government expense, and deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54517/68. Adolph Errson. Arrested at Seattle October 23, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense January 25, 1919; deported June 26, 1919.

54517/54. Donald McPherson. Arrested at Seattle September 9, 1918, on charge found advocating or teaching the unlawful destruction of property; writ of habeas corpus dismissed, and alien ordered deported to England at Government expense January 18, 1919; deported July 12, 1919.

54379/36. August Allman. Arrested at Seattle January 18, 1918, on charge found advocating or teaching the unlawful destruction of property; accepted repatriation September 25, 1919, before warrant of deportation to Germany issued.

54379/52. Paul Bussert. Arrested at Seattle December 16, 1918, on charge of being member of or affiliated with an organization that entertains belief in the overthrow by force or violence of the Government of the United States; accepted repatriation September 25, 1919, before warrant of deportation to Germany was served.

54379/64. Alfred Hoffman. Arrested at Seattle, January 23, 1918, on charge found advocating or teaching the unlawful destruction of property; accepted repatriation June 23, 1919, before warrant of deportation to Germany was served.

LIST OF ANARCHISTS FOR 1918.

- No. 54379/1. Charles Von Lens, criminal, New York.
- No. 54379/2. Donald Fraser, anarchist, Portland.
- No. 54379/3. Frederico Ricci, L. P. C. and anarchist, Boston.
- No. 54379/4. Jose Gomez, espionage, Philadelphia.
- No. 54379/5. Joe Martin, anarchist, Seattle.
- No. 54379/6. Serge Ferow, anarchist, Seattle.
- No. 54379/7. Sam Robinson, anarchist, Seattle.
- No. 54379/8. Gus Cashier, anarchist, Seattle.
- No. 54379/9. Oscar Johnson, L. P. C. and anarchist, Seattle.
- No. 54379/10. Joe Schneider, anarchist, Seattle.
- No. 54379/11. John Eder, anarchist, Seattle.
- No. 54379/12. Sol Ehrlick, anarchist, Seattle.
- No. 54379/13. Charles Emerson, anarchist, Seattle.
- No. 54379/14. James Anthony, anarchist, Seattle.
- No. 54379/15. Frank Sulak, anarchist, Seattle.
- No. 54379/17. Hyman Schuster, alleged I. W. W., Cleveland.
- No. 54379/18. John Morgan, anarchist, Seattle.
- No. 54379/19. Albert Beauchamp, anarchist, Seattle.
- No. 54379/20. Adolph Ader, anarchist, Seattle.
- No. 54379/21. Michael Ounpu, anarchist, Seattle.
- No. 54379/22. James Mullarkey, anarchist, Seattle.
- No. 54379/23. Edwin Flogaus, anarchist, Seattle.
- No. 54379/24. Angelo Dandrea, anarchist, Seattle.
- No. 54379/25. William Reitman, anarchist, Seattle.
- No. 54379/26. Andrew Gayak, anarchist, Seattle.
- No. 54379/27. Oscar Johnson, anarchist, Seattle.
- No. 54379/28. John Leivo, anarchist, Seattle.
- No. 54379/29. Gust Hansen, anarchist, Seattle.
- No. 54379/30. John Jussilainen, anarchist, Seattle.
- No. 54379/31. Tom Webber, anarchist, Seattle.
- No. 54379/32. Fred Melin, anarchist, Seattle.
- No. 54379/33. Otto Bergleind, anarchist, Seattle.
- No. 54379/34. Charles Keller, L. P. C. and I. W. W., Cleveland.
- No. 54379/35. Clara Alderton, anarchist, Seattle.
- No. 54379/36. August Allman, anarchist, Seattle.
- No. 54379/37. Isaac Beck, anarchist, Seattle.
- No. 54379/38. Lazar Evanoff, anarchist, Seattle.
- No. 54379/39. Gust Hillman, anarchist, Seattle.
- No. 54379/40. Charles W. Johnson, anarchist, Seattle.
- No. 54379/41. Anton Karfres, anarchist, Seattle.
- No. 54379/42. John Kershull, anarchist, Seattle.
- No. 54379/43. Albert R. Lewis, anarchist, Seattle.
- No. 54379/44. James Lund, anarchist, Seattle.
- No. 54379/45. Harold Moore, anarchist, Seattle.
- No. 54379/46. John Tady, anarchist, Seattle.
- No. 54379/47. Charles Gray, anarchist, Seattle.
- No. 54379/48. Lloyd Miller, anarchist, Seattle.
- No. 54379/49. William Alderton, anarchist, Seattle.
- No. 54379/50. Christ Johnson, anarchist, Seattle.
- No. 54379/51. Oscar Carlson, anarchist, Seattle.
- No. 54379/52. Paul Bussertt, anarchist, Seattle.
- No. 54379/53. August Bostrom, anarchist, Seattle.
- No. 54379/54. John Sheehan, anarchist, Seattle.
- No. 54379/55. Gottfried Julin, anarchist, Seattle.
- No. 54379/56. Jack Melling, anarchist, Seattle.
- No. 54379/57. Chris Stavlo, anarchist, Seattle.
- No. 54379/58. Mike Vassileff, anarchist, Seattle.
- No. 54379/59. Paul Cary, anarchist, Seattle.
- No. 54379/60. Max Shellberg, anarchist, Seattle.
- No. 54379/61. Fred Fisher, anarchist, Seattle.
- No. 54379/62. Frank Schneider, anarchist, Seattle.
- No. 54379/63. Frank Keskin, anarchist, Seattle.

- No. 54379/64. Alfred Hoffman, anarchist, Seattle.
- No. 54379/65. Albert Becker, anarchist, Seattle.
- No. 54379/66. Carl Swanson, anarchist, Seattle.
- No. 54379/67. Ed Anderson, anarchist, Seattle.
- No. 54379/68. Arthur J. Smith, anarchist, Seattle.
- No. 54379/69. Nicholis Shagai, anarchist, Seattle.
- No. 54379/70. James Simpson, anarchist, Seattle.
- No. 54379/71. Hectro Morris, anarchist, Seattle.
- No. 54379/72. Joe Comas, Chicago.
- No. 54379/73. Sam Savchuk, spy.
- No. 54379/74. W. E. Graham, anarchist, Seattle.
- No. 54379/75. Rudolf Tachahble, anarchist, Seattle.
- No. 54379/76. Jalmar Holm, anarchist, Seattle.
- No. 54379/77. Herman Johnson, anarchist, Seattle.
- No. 54379/78. Hugo Carlson, anarchist, Seattle.
- No. 54379/79. Andrew Olsen, anarchist, Seattle.
- No. 54379/80. Alfred Groener, anarchist, Seattle.
- No. 54379/81. James Rian, anarchist, Seattle.
- No. 54379/82. William Longfors, anarchist, Seattle.
- No. 54379/84. Karl Otto, A. C. I. M. T., San Francisco.
- No. 54379/85. Alexander Perttula, anarchist, Seattle.
- No. 54379/86. Charles Jackson, anarchist, Seattle.
- No. 54379/87. Sigurd Leveng, anarchist, Seattle.
- No. 54379/88. Albert Smith, anarchist, Seattle.
- No. 54379/89. James Orr, anarchist, Seattle.
- No. 54379/90. Pete Mundy, anarchist, Seattle.
- No. 54379/91. Stanislaw Bohaneke, anarchist, Seattle.
- No. 54379/92. Charles Flannagan, anarchist, Seattle.
- No. 54379/93. Edward Ekstron, anarchist, Seattle.
- No. 54379/94. Carl Carlson, anarchist, Seattle.
- No. 54379/96. Cjl Newman, anarchist, Seattle.
- No. 54379/97. William Trojoni, Harold Andreen, and Alie Johnson, anarchists, San Francisco.
- No. 55379/100. Hirsch Linsky, anarchist, San Francisco.
- No. 54379/101. Kaziz Maskilunas, anarchist, San Francisco.
- No. 54379/102. Albin Leaf, anarchist, Seattle.
- No. 54379/103. Otto Schmidt, anarchist, Seattle.
- No. 54379/104. Gussippi Galliupo, anarchist, Chicago.
- No. 54379/107. Vitan Deloff, anarchist, Seattle.
- No. 54379/108. Arthur Common, anarchist, Seattle.
- No. 54379/109. John Duffy, anarchist, Seattle.
- No. 54379/110. Joseph Conrad, anarchist, Seattle.
- No. 54379/111. Henry Hermanson, anarchist, Seattle.
- No. 54379/112. John Osolin, anarchist, Seattle.
- No. 54379/113. Severin Mathiesen, anarchist, Seattle.
- No. 54379/114. Fritz Holm, anarchist, Seattle.
- No. 54379/115. Ralph Freeburg, anarchist, Seattle.
- No. 54379/116. Karl Sonntag, anarchist, Seattle.
- No. 54379/117. John Nelson or John Johnson, criminal, Minneapolis.
- No. 54379/122. Harry Reed, anarchist, Seattle.
- No. 54379/125. Paul Zygaloff, anarchist, Cleveland.
- No. 54379/126. Edgar Robinson, anarchist, Seattle.
- No. 54379/130. Nicola Petruccelli, antidraft, Cleveland.
- No. 54379/133. Melvin or Russell Graham, criminal, Jacksonville.
- No. 54379/134. Peter Williamson, anarchist, Seattle.
- No. 54379/173. Fred Alquist, anarchist, Seattle.
- No. 54379/176. Frederick Esmond, anarchist, San Francisco.
- No. 54379/181. Peter Harry Zibrands, anarchist, Seattle.
- No. 54379/182. John De Rousie, A. C. I. M. T., Seattle; also Charles Smith, P. C., Seattle.
- No. 54379/183. G. S. Ross, anarchist, Seattle; also Chas. De Angelli, criminal, Seattle.
- No. 54379/184. William Fitzgerald, anarchist, Seattle; same No., Alex Boggio, anarchist, Spokane.
- No. 54379/185. John Berg, anarchist, Seattle; also Andrea Gonzales, San Francisco.
- No. 54379/186. Frank Mihalik, anarchist, Seattle.
- No. 54379/192. Peter Perruchon, anarchist, Globe, Ariz.

- No. 54379/193. Tom Scott, anarchist, Spokane.
- No. 54379/194. Warner Strang, anarchist, Spokane.
- No. 54379/195. Michael Fitzwilliams, anarchist, Spokane.
- No. 54379/196. Henning Anderson, anarchist, Spokane.
- No. 54379/197. David E. Johnson, anarchist, Spokane.
- No. 54379/198. John Burke, anarchist, Spokane.
- No. 54379/199. Nels Madison, anarchist, Spokane.
- No. 54379/200. Henry Gavran, anarchist, Seattle.
- No. 54379/201. John Gordon, anarchist and pro-German.
- No. 54379/202. Samuel Brooks, anarchist, Seattle.
- No. 54379/203. Florrie Brooks, anarchist, Seattle.
- No. 54379/204. Sam Nelson, anarchist, Denver.
- No. 54379/205. Gus Lipkin, anarchist, Denver; Rec. w/Dtn new grds, 5/2/18.
- No. 54379/207. Vincent, Carella, anarchist, Spokane.
- No. 54379/209. Albert De Bary, alien enemy.
- No. 54379/226. Polikarp G. Cuizewski, anarchist, Chicago.
- No. 54379/235. Emery Sarrazin, anarchist, Spokane.
- No. 54379/236. Charles Spangberg, anarchist, Spokane.
- No. 54379/237. Carl Holmes, anarchist, Spokane.
- No. 54379/238. Charles Muki, anarchist, Spokane.
- No. 54379/239. Charles Johnson, anarchist, Spokane.
- No. 54379/240. Edward Berg, anarchist, Spokane.
- No. 54379/241. Lars Anderson, anarchist, Spokane.
- No. 54379/247. Joseph Hansen, anarchist, Seattle.
- No. 54379/248. Henry Gavran, anarchist, Seattle.
- No. 54379/249. Samuel Brooks, anarchist, Seattle.
- No. 54379/250. Florrie Brooks, anarchist, Seattle.
- No. 54379/252. Carl Grandstrom, anarchist, Seattle.
- No. 54379/270. Nicola Peeff, anarchist, Denver.

ALIEN MEMBERS OF I. W. W. PAROLED.

The CHAIRMAN. Mr. Blackwood, you were also requested to obtain data with reference to alien members of the I. W. W. organization who were paroled in different parts of the United States; we will hear from you regarding that phase of the question.

Mr. BLACKWOOD. Under the heading "Memorandum in re deferred cases in which aliens paroled for varying periods on their own recognition" there appears in the files of the Bureau of Immigration a very interesting document. This document consists of two pages of memorandum and a list of names of aliens paroled as above stated. The memorandum is worthy of special notice and should be digested carefully. Near the bottom of page 1 there is considerable comment with reference to decisions of courts in the State of Washington, the memorandum after commenting on the decisions of Judge Rudkin, states that Judge Neterer was following Judge Rudkin's decisions in cases arising in his district. The statements contained in the paragraph mentioned are erroneous and misleading and are not based on facts. Judge Neterer denied writs in practically all cases of I. W. W. members, his written opinion in the Bernat and Dixon cases set forth his attitude and judgment, which is decidedly in favor of the Government. (Decisions mentioned will appear elsewhere in this report and were furnished bureau promptly). The last paragraph of Judge Rudkin's decision in the Marhow case also shows the memorandum above mentioned to be misleading.

The first paragraph on the second page of said memorandum seems to indicate that the department did not wish a decision from the circuit court of appeals to the effect that aliens could be deported on account of membership in the I. W. W. organization.

The list of paroled members of that organization attached to the memorandum mentioned, is far from being a complete list of all the aliens paroled.

The documents mentioned read as follows:

MEMORANDUM IN RE DEFERRED CASES IN WHICH ALIENS WERE PAROLED FOR VARYING PERIODS ON THEIR OWN RECOGNIZANCE.

On December 2, 1918, the bureau presented to the department the following memorandum, which received the approval of the Secretary, concerning the cases of certain aliens arrested in the State of Washington on the ground that they had been found advocating or teaching the unlawful destruction of property:

During the past few weeks the bureau and department have disposed of almost 200 cases of aliens arrested under the immigration act of February 5, 1917, either upon the ground relating specifically to the anarchistic classes or upon the ground that the aliens have been found advocating or teaching the unlawful destruction of property.

The case of Carl Holmes is fairly illustrative of the cases in which the department has directed deportation when possible, the theory upon which the evidence has been discussed being set out in the bureau memorandum in said case, dated September 24. In some of the cases it was found that there was not sufficient evidence to justify either deportation or further inquiry or investigation; in those the warrants were canceled. In quite a few, while the evidence was not sufficient to justify immediate deportation, it was thought advisable to defer decision and parole the alien involved, either upon his personal recognizance or under Rule XVII-A (making provision for employment, retention of part of pay, etc.).

Writs of habeas corpus have been sued out in most of the cases arising in Washington. In five or six cases in which an attempt was made to secure writs at New York the court declined offhand to grant the writs. In the Washington cases, however, the disposition of the courts seems to be to release the aliens. Judge Rudkin, of the eastern district of Washington, rendered a written decision in the Holmes case (Carl Holmes, discharged from custody on habeas corpus proceedings). His oral decisions in a number of other cases are along the same lines (i. e., that the aliens were not shown to have personally advocated or taught by their own words and conduct the unlawful destruction of property), except that in several instances he has stated that he hesitated the less to sustain the writ because a law passed by Congress, and approved by the President on October 16, 1918, seems to afford the department ample ground for instituting new proceedings against the aliens (membership in or affiliation with an organization that advocates or teaches the unlawful destruction of property, etc.). Judge Neterer, of the western district of Washington, seems inclined, so the special assistant to the Attorney General at Seattle reports, to follow Judge Rudkin's decision. It seems apparent, therefore, that practically all of the aliens will secure their release through the courts, as apparently all are resorting to the courts that have either been ordered deported or been released on parole.

The question of appealing to the Circuit Court of Appeals has been discussed at some length with officials of the Department of Justice. There is some variety of opinion among these officials. The bureau at first was strongly of the opinion that appeal should be taken; but a possibility, to which its attention was but recently directed, has led it to entertain some doubt of the wisdom of appealing. That possibility is this: If the appeal is taken and Judge Rudkin's opinion affirmed, the Immigration Service will be no better off, but possibly worse off, than at present; on the other hand, if Judge Rudkin is overruled by the appellate court, it is pointed out by Assistant Attorney General Porter that there is a strong likelihood that the circuit court of appeals will hold in so overruling the lower court that aliens proceeded against under the old law on the ground that they have been advocating or teaching the unlawful destruction of property are subject to deportation if the evidence shows that they have been teaching or advocating same simply through and by virtue of membership in an organization, the I. W. W., that advocates and teaches that doctrine, and that this, in its final analysis, would amount to the doing of the very thing the department has been attempting to avoid—the deporting of the aliens because they belong to the I. W. W.

If the result of appealing would be either to force the department to institute new proceedings under the act of October 16, 1918, or to proceed with the deportation of the aliens under the old law upon the basis of a decision of the kind last above described, it would seem that the time, trouble, and expense of perfecting appeals in the numerous cases would be wasted. In other words, if the department is going to be forced eventually to handle the I. W. W. cases under the new law, it might as well handle them under that law immediately.

The bureau, therefore, suggesting, tentatively, that all of the cases be taken up again and the records separated into two classes, to wit, those showing the aliens to be active and dangerous advocates and teachers of the unlawful doctrine, and those showing the aliens to be, while members of the organization, rather inactive in connection therewith and not dangerous advocates or teachers; that for members of the first class warrants be issued under the new act, charging that they are members of an organization that advocates and teaches the unlawful destruction of property, and that with respect to the second class of records they be filed without further action.

It was accordingly determined that the following aliens should be released from custody as belonging to the second class named in the last paragraph quoted above. These cases were accordingly left open and they were as a rule paroled for one year, generally with the condition that they report periodically to the immigration office at Seattle concerning their whereabouts and occupation:

54379/108. Arthur Common.
 54379/109. John Duffy.
 54379/423. Gus Johnson.
 54379/424. Ed. Aspelin.
 54379/422. Michel Brech.
 54235/54. Emil Norby.
 54379/80. Alfred Groener.
 54379/71. Hector Morris.
 54379/79. Andrew Olsen.
 54235/137. Frederico Cataline.
 54379/15. Frank Sulak.
 54235/111. Arnold David Simonson.
 54235/117. Guiseppi Bertolotti.
 54379/418. Antonio Wolfe.
 54379/462. William Butler.
 54379/38. Lazaar Evanoff.
 54379/235. Emery Sarrazin.
 54379/238. Charles Maki.
 54379/122. Harry Reed.
 54379/181. Peter Harry Zibrands.
 54379/173. Fred Alquist.
 54235/97. Luigi Ercolini.
 54235/118. Pietro Sandretto.
 54235/130. Anton Walcovich.
 54235/104. Paul Malekovich.
 54379/414. James Johnson.
 54235/105. John Materioli.
 54379/419. John Strom.
 54235/113. Vincenzo Zaccagiani.
 54379/14. James Anthony.
 54379/69. Nicholas Shagai.
 54379/450. Eugene Belmont.
 54517/58. Theodore Freeman.
 54379/93. Edward Ekstrom.
 54379/94. Carl Carlson.
 54379/107. Vitan Deloff.
 54379/26. Andrew Gayak.
 54379/25. William Reitman.
 54379/42. John Kershull.
 54379/184. Alex. Boggio.
 54379/372. Nicola Palmiotti.
 54379/63. Frank Keskin.
 54379/24. Angelo Andrea.
 54379/35. Clara Alderton.
 54379/49. William Alderton.
 54235/148. Andrea Lazzari.
 54235/143. Emilio Ghelfi.
 54379/30. John Jussilainen.
 54379/32. Fred Melin.

54379/55. Gottfried Julin.
 54379/41. Anton Kaeres.
 54379/252. Carl August Grandstrom.
 54379/249. Samuel Brooks.
 54379/248. Henry Gavran.
 54379/247. Joseph Hansen.
 54379/22. James Mullarkey.
 54379/20. Adolph Ader.
 54379/10. Joe Schneider.
 54379/37. Isaac Beck.
 54379/27. Oscar Johnson.
 54379/89. James Orr.
 54379/29. Gustav Hansen.
 54379/77. Herman Johnson.
 54235/134. Enrico Guiditti.
 54379/81. James Ryan.
 54379/60. Max Shellberg.
 54235/132. Giovanni Cavierno.
 54379/91. Stanislaw Bohanek.
 54235/125. George Painich.
 54235/123. Batiste Querio.
 54235/119. Constantino D'Ascenco.
 54235/131. Giovanni Morgando.
 54235/133. Antonio Pomota.
 54235/151. Umberto Rossi.
 54379/21. Mike Ounpu.
 54235/138. Ottavio Bonanni.
 54379/198. John Burke.
 54379/207. Vincent Carella.
 54235/93. Pietro Belli.
 54235/95. Titino Dentino.
 54379/463. Ernest Johnson.
 54379/65. Albert Becker.
 54379/193. Tom Scott.
 54379/194. Warner Strang.
 54379/195. Michael Fitzwilliams.
 54235/109. Achille Ricci.
 54235/94. Steppen Chinevich.
 54517/50. Bernard Linau.
 54235/100. Attilio Ghilardi.
 54235/101. Silvio Ghilardi.
 54379/66. Carl Swanson.
 54379/56. Jacob Jacobsen.
 54379/58. Mike Vassileff.
 54379/45. Harold Moore.
 54379/47. Charles Gray.
 54379/46. John Tady.
 54379/40. Charles Johnson.
 54379/39. August Hillman.

The following cases arising in various districts were also held open and the aliens released on parole pending final decision. As a general proposition, sufficient evidence to justify deportation was not at the time available.

St. Louis, Mo.:

54379/354. J. Gelmini.
54517/27. Joseph Bartoli.
54379/507. Angelo Rocco.

Montreal, Canada:

54379/426. Arthur Bartoli.

Cleveland, Ohio:

54649/271. Mike Chaykosky.

Boston, Mass.:

54379/327. Ettore Gianinni.
54379/311. Ernest R. Perrella.
54379/427. Martino Pulito.
54379/370. Fortunato Renzoni.
54379/356. Celso Galavotti.
54517/30. Arturo Nicolai.
54379/364. Giuseppe Sardi.
54379/371. Giuseppe Ramella.

Boston, Mass.—Continued.

54379/380. Venanzio Maio.
54379/362. Domenico Pandolfi.

Pittsburgh, Pa.:

54616/92. Carmello Mortorrio.
54235/79. Milan Jurisio.

New York, N. Y.:

54379/346. Luigi Beduschi.

San Francisco, Calif.:

54616/6. Mendoza L. Schwertfeger.
54616/26. Julius Weinberg.
54616/101. Hulert John Levey.

Chicago, Ill.:

54517/41. Frank Carnavale.

El Paso, Tex.:

54379/391. Giglio Fiorini.

DECISION OF JUDGE NETERER IN CASE OF DIXON AND BARNAT.

The decision of Federal Judge Neterer in case of Samuel H. Dixon and Charles Bernat, which is very important in connection with the I. W. W. organization, a copy of which is on file in the Bureau of Immigration, reads as follows:

NOTE.—Dixon was deported. Bernat released after having been transferred to Ellis Island. His whereabouts is unknown.

[United States District Court, Western District of Washington, Northern Division.]

In the matter of the application of Samuel H. Dixon, for writ of habeas corpus. Filed December 17, 1918.

In the matter of the application of Charles Bernat, for writ of habeas corpus. Filed December 17, 1918.

Hinman D. Folsom, jr., attorney for Government.

Ralph S. Pierce and Geo. F. Vanderveer, attorneys for defendants.

Neterer, district judge:

These cases were submitted to the court together. The issue is identical. The facts are similar, but of different emphasis. The cases will be disposed of together.

Each petitioner is ordered deported upon the ground "that he has been found advocating and teaching the unlawful destruction of property."

Dixon is a subject of England; Bernat is a subject of Russia.

Each petitioner seeks release on the ground that he has been denied a fair hearing; that there is no evidence to support the charge against him; and that the order of deportation is arbitrary, and unsupported by facts or law.

If the alien has been accorded a fair, though summary hearing, and the finding is supported by competent testimony, however slight, the court may not interfere.

From an examination of the testimony, in the light of this rule, we find, after some testimony as to membership in the I. W. W. organization, the following questions and answers appear in Dixon's testimony:

"Q. Being a member that long, and being a delegate and taking an active part in the order, you actually believe in the teachings as advocated by the I. W. W.?—A. I do.

"Q. You have read their preamble and constitution?—A. Yes.

"Q. You believe in the teachings advocated in that?—A. I do.

"Q. Are you familiar with the I. W. W. Song Book?—A. Yes.

"Q. Do you believe in the teachings indicated in that book?—A. Yes; most of them, I do. There are some I haven't seen, but what I have seen I believe."

As to reading I. W. W. literature, he was asked:

"Q. 'The I. W. W.: Its History, Structure, and Methods,' by St. John?—A. I have read that.

"Q. Believe in the teachings as advocated in that book?—A. Yes.

"Q. Have you read the Industrial Worker?—A. Yes.

"Q. Believe in the teachings advocated in that paper?—A. Yes; I do.

* * * * *

"Q. Now, you have been collecting for the defense fund, you have been a delegate quite a number of times, you have solicited members, sold the Industrial Worker, and distributed other I. W. W. literature?—A. Yes.

"Q. And, in any way you possibly could, secured new members for the order?—A. Yes; I have.

"Q. How many times have you been arrested?—A. I have been arrested several times lately in the I. W. W. troubles.

"Q. Your I. W. W. cards, your delegate credentials, and this other literature mentioned in your hearing, together with any other I. W. W. literature which we may deem to have a bearing in your case, will be introduced and made exhibits in your hearing?—A. Yes."

This is the general trend of the testimony with relation to the teachings of the I. W. W. as disclosed by the literature, and, I think establishes the fact that he is in full sympathy with the propaganda and practices as disclosed by the literature, and has distributed such literature.

The doctrine and practices of the order, as disclosed by the attached literature, may be indicated by short excerpts from *The I. W. W.: Its History, Structure, and Methods*, by Vincent St. John and others.

"As a revolutionary organization, the Industrial Workers of the World aims to use any and all tactics that will get the results sought, with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us, * * *.

"Failing to force concessions from the employers by the strike, work is resumed and sabotage is used to force the employers to concede to the demands of the workers."

Sabotage is defined by several I. W. W. writers.

The New Unionism, by Andre Tridon: "We may distinguish three forms of sabotage. (1) Active sabotage which consists in the damaging of goods or machinery. (2) Obstructionism or passive sabotage which consists in carrying out orders literally, regardless of consequences."

The Voix du Peuple: "The first thing to do before going out on strike is to cripple all the machinery. * * * Are bakery workers planning to go on strike? Let them pour in the ovens a few pints of petroleum or of any other greasy or pungent matter. After that soldiers or scabs may come and bake bread. The smell will not come out of the tiles for three months. Is a strike in sight in steel mills? Pour sand or emery into the oil cups."

Sabotage, by Emile Pouget: "If the workers disable the machines, it is neither for a whim nor for dilettantism or evil mind, but solely in obedience to an imperious necessity. To list out the thousand of methods and ways of sabotage would be an endless rosary. The shoe workers have an infinite variety of tricks. So have the bakers. To the timber workers it can not be difficult to use the ax so that the tree or log is split in all its length. To the painters also it must be easy to dilute or condense their colors as best they see fit."

Sabotage: Its History, Philosophy, and Function, by Walker C. Smith: "Sabotage is a direct application of the idea that property has no rights that its creators are bound to respect. * * * The question is not, Is Sabotage Immoral? but, Does Sabotage get the goods? * * * A bar of soap in the boiler would keep the soldiers at home or else force them to march to the strike. If this were not possible, there are water tanks where the tender must be filled and the saboteur can 'Let the Gold Dust Twins do the work.' * * * Sabotage is discredited by those who believe in property rights. It is the weapon of those who no longer reverence the thing that fetters them. Its advocacy and use helps to destroy the 'property illusion.' The parasites who have property, oppose sabotage, while the producers who have poverty, are commencing to yield that potent weapon."

Excerpts from *Industrial Workers of the World*: "The I. W. W. opposes the institution of the State. What is this sabotage that so worries politicians, preachers, profit-grabbers, and parasites generally? It is a realization on the part of the working class that property has no rights that its creator is bound to respect. It means that the workers know that might makes right and that they are possessed of a tremendous might in the productive process. It means that they are conscious of the fact that any action which weakens the employer and strengthens the worker is justified. * * * A slashed warp, a loosened bolt, an uncaught thread, a shifting of dyes, will make Billy Wood see the 'justice' of the men's demands quicker than all the votes cast since Billy Bryan commenced to run for office. Sabotage is an individual act performed for a class purpose. It may be denounced as 'anarchy' but that scares no workers in these rebellious days. * * * These migratory workers have lost all patriotism—and rightly so. Love of country? They have no country. Love of flag? None floats for them."

One of the songs attached as an exhibit:

CHRISTIANS AT WAR.

By John F. Kendrick. Tune: Onward Christian Soldiers.

"Onward Christian soldiers. Duty's way is plain;
Slay your Christian neighbors, or by them be slain,
Pulpiters are spouting effervescent swill,
God above is calling you to rob and rape and kill,
All your acts are sanctified by the Lamb on high;
If you love the Holy Ghost, go murder, pray, and die.
"Onward Christian soldiers, rip and tear and smite;
Let the gentle Jesus bless your dynamite.
Splinter skulls with shrapnel, fertilize the sod;
Folks who do not speak your tongue, deserve the curse of God.
Smash the doors of every home, pretty maidens seize,
Use your might and sacred right to treat them as you please.
"Onward Christian soldiers. Eat and drink you fill;
Rob with bloody fingers, Christ O. K.'s the bill.
Steal the farmer's savings, take their grain and meat;
Even though the children starve, the Savior's bums must eat.
Burn the peasant's cottages, orphans leave bereft;
In Jehovah's holy name, wreak ruin right and left.
"Onward Christian soldiers. Drench the land with gore;
Mercy is a weakness all the gods abhor,
Bayonet the babies, jab the mothers too;
Hoist the cross of Calvary to hallow all you do;
File your bullets' noses flat, poison every well;
God decrees your enemies must all go plumb to hell.
"Onward Christian soldiers! Blighting all you meet,
Trampling human freedom under pious feet
Praise the Lord whose dollar sign dupes his favored race,
Make the foreign trash respect your bullion brand of grace.
Trust in mock salvation, serve as pirates' tools;
History will say of you: 'That pack of G—— d—— fools.'"

The literature attached to the record is replete with the advocacy of sentiment as above set forth.

To teach, as defined by the Standard Dictionary, is "to impart knowledge by means of lessons; to give instruction in; communicating knowledge; introducing into or impressing upon the mind as truth or information."

To advocate means, according to the same authority, "To speak in favor of; defend by argument; one who espouses, defends, or vindicates any cause by argument; a pleader, upholder, as an advocate of the oppressed."

There are several ways by which a person may teach or advocate. It need not be from the public platform or through personal utterance to individuals or groups, but may be done as well through written communications, personal direction, through the public press, or through any means by which information may be disseminated, or, it may be done by the adoption of sentiment expressed, or arguments made by others which are distributed to others for their adoption and guidance.

The testimony shows that Bernat has been a member of the I. W. W. for the last 10 years, and secretary of Branch No. 500, Seattle, for sometime. His duties as such secretary were to distribute literature, collect dues, handle accounts, and solicit new members. From activity, as disclosed in the record, the court can not say there is no evidence upon which to predicate the finding of the commissioner general in each case; and it would appear that the conclusion of the commissioner general, based upon the facts stated, is within the purpose and intent of the Congress in enacting section 19 of the act of June 5, 1917 (United States Statute 4289; J. J.), and this is emphasized by the passage of the act approved October 16, 1918, entitled "An Act to exclude and expel from the United States aliens who are members of the anarchistic or similar classes."

The matter is not before the court for review, but merely to determine whether there is any evidence upon which to base the finding. Under the law, the conclusion of the Department of Labor, if there is any evidence, is final.

The application for writ will be denied in each case.

NETTERER, Judge.

DECISION OF JUDGE RUDKIN IN CASE OF MARHOW.

The decision of Federal Judge Rudkin in case of Golf S. Marhow, is also material. Special attention invited to last paragraph as same has bearing on act of October 16, 1918, with reference to I. W. W.

The decision reads as follows:

[In the District Court of the United States for the Eastern District of Washington, Northern Division.]

OPINION.

In the matter of the application of Golf S. Marhow for writ of habeas corpus.

George F. Vanderveer and Albert Streiff, for petitioner.

Francis A. Garrecht, United States attorney, and Charles H. Leavy, assistant United States attorney, for respondent.

Rudkin, district judge:

Section 3 of the immigration act of February 5, 1917, provides that the following classes of aliens, among others, shall be excluded from admission into the United States:

Anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; persons likely to become a public charge.

Section 19 of the same act provides that at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing, shall be subject to deportation.

On the 13th day of July, 1917, the Assistant Secretary of Labor issued his warrant, reciting that the petitioner has been found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, subsequent to his entry into the United States; that he was an anarchist or person who believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials at the time of his entry; that he was a person likely to become a public charge at the time of his entry; and that he entered without inspection; and commanding the immigrant inspector to whom the warrant was directed to take the petitioner into his custody and grant him a hearing to enable him to show cause why he should not be deported in conformity to law.

Pursuant to this warrant the petitioner was taken into custody and granted a hearing as directed. Upon such hearing the immigrant inspector recommended his deportation. To use his own language:

"The admission of G. S. Marhow that he is a member of the Industrial Workers of the World, that he is an organizer and delegate of that organization and is employed to teach the tenets of the order as issued in the I. W. W. constitution which establishes the authenticity of the doctrines published in pamphlets on which is printed the label without an inscription underneath; I therefore respectfully recommend that a deportation warrant be issued and that the alien G. S. Marhow be ordered deported to the country from which he came, and of which he is a subject."

Acting upon this report the Commissioner General of Immigration found that the two first charges against the petitioner were not sustained, but that the charge that he was likely to become a public charge was sustained, and his deportation was accord-

ingly recommended. Upon this report a deportation warrant issued reciting that the petitioner was a person likely to become a public charge at the time of his entry into the United States and directing his deportation to Bulgaria, the country whence he came. Thereupon the petitioner sued out a writ habeas corpus claiming, among other things, that there was no testimony whatever before the department tending to support the finding thus made.

It seems to me that this contention must be upheld. It is apparent from a reading of the entire record that the examination by the immigrant inspector was not conducted with a view of ascertaining or determining whether the petitioner was likely to become a public charge. It appears from the testimony that the alien worked his passage from Germany to the United States in the early part of the year 1913 on the steamer *Guffa* and deserted upon the arrival of the steamer in New York, entering the United States without inspection. The testimony further shows that he was possessed of \$15 at that time and was of the age of about 30 years, but beyond this is entirely silent as to his physical condition or his ability or disposition to earn a livelihood. He remained in New York City for about two weeks, went thence to West Virginia and remained for about two months, thence to Pennsylvania and remained for about six months and thence to Chicago and remained for about one and one-half years. What he did during this period we do not know, but there is not the slightest testimony that he became a public charge. After leaving Chicago he went to Milwaukee and worked for the Chicago, Milwaukee & St. Paul Railroad Company, but for how long and for what compensation we do not know. We next hear of him as an organizer for the I. W. W. in the State of Idaho about eight months before his arrest, at a salary of \$18 per week and expenses.

Section 19 of the immigration act, as already stated, provides that " * * * any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing" is subject to deportation. And if it appeared from this record that the petitioner at any time became a public charge within five years after entry he would be subject to deportation because it has not been affirmatively shown that this cause arose subsequent to his landing. But there is no testimony to warrant a finding that the petitioner at any time became a public charge in the United States, as I understand that term, unless the mere fact that he was confined in jail at Moscow, Idaho, awaiting trial for a public offense would render him a public charge. To so hold would do violence to another provision of the statute which declares an alien is subject to deportation who has been sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude committed within five years after his entry into the United States. For if the alien is not subject to deportation for imprisonment unless imprisoned for one year or more for a crime involving moral turpitude it would be entirely inconsistent to hold that he becomes a public charge and is subject to deportation under another provision of the statute when only confined at public expense awaiting trial for a criminal offense. As said by Judge Ward in *Ex Parte Saraceno*, 182 Fed., 955:

"If there was any evidence competent or otherwise to sustain this finding, the court, though of a different opinion, should not disturb it. But it is impossible to avoid the conclusion that the real ground for the order is that the immigration authorities think the alien an undesirable citizen, which is a class not excluded by the immigration law."

Again the court said:

"While the powers intrusted to the immigration authorities are very great and important and should not be restricted by the courts, it is easy to see that upon the reasoning of the board in this case almost any immigrant might be deported."

I reach this conclusion with the less hesitation because it occurs to me that the case is completely covered by a later statute, namely, the act of October 16, 1918. The writ of habeas corpus will therefore issue as prayed and upon the return the petitioner will be discharged: *Provided, however*, That the order of discharge shall not take effect until the close of November 30 next to enable the Government to prosecute an appeal or take steps for the deportation of the petitioner under the statute referred to if so advised. If no appeal is prosecuted, or if no proceedings are taken for the deportation of the petitioner prior to the date named, he will be discharged from custody. If either step is taken the court will make such further order as may be appropriate in the premises.

DECISION OF JUDGE WOLVERTON IN CASE OF CARL SWELGIN.

The decision of Federal Judge Wolverton in case of Carl Swelgin is very material in connection with I. W. W. organization. This is also on file in Bureau of Immigration, and reads as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OREGON.

United States of America, complainant, v. Carl Swelgin, defendant.

Bert E. Haney, United States attorney, Robert R. Rankin, assistant United States attorney.

C. H. Libby for defendant.

Wolverton, district judge:

This is a suit to vacate and annul a certificate of naturalization. The defendant Carl Swelgin is a native of Germany. On January 3, 1913, he filed a petition in the Circuit Court of the State of Oregon for the county of Coos, praying for his naturalization as a citizen of the United States. On April 25, 1913, an order of the court was made and entered admitting him as a citizen, and on May 27 a certificate of admission was issued by the clerk of the court.

The bill for vacation of the certificate alleges that upon the dates named, and during the five-year period immediately preceding the date of the filing of said petition for naturalization, "the said defendant Carl Swelgin was not, has not been, and is not now attached to the principles of the Constitution of the United States, nor is the said defendant well disposed to the good order and happiness of the same, nor is said defendant of good moral character, and that said defendant has been since the year 1911, and now is, a member of the organization known and entitled "Industrial Workers of the World," which organization is more commonly known as and called the "I. W. W."; that defendant has been an organizer in said organization, and that said organization has advocated and does advocate resistance to the existing governmental authority of the United States, and the complete control and ownership of all property in the United States through the abolition of all other classes of society, and that such purposes of said organization are to be accomplished without regard for right or wrong but by the use of such unlawful means and methods known as "sabotage" and "direct action." Then the preamble is set out, which I will not read. It is then further alleged that defendant's certificate of naturalization was procured by deception and fraud practiced upon the court, consisting of false representations and concealment of facts, by which the court was misled and imposed upon, and induced to make and render its order and judgment directing the issuance of said certificate of naturalization.

The proofs show, and the defendant admits, that he became a member of the organization known as the Industrial Workers of the World in December, 1911, and was such member at the time he was admitted as a citizen of the United States, and ever since has been a member thereof. I should qualify that, because the witness has said that there was a time following August, 1913, for a period of two or three years that he was not a member; but he thereafter did become a member, and has continued such ever since. Not only this, but he has been active in the order. Not only this, but he has been active in the order in promoting its propaganda and furthering the cause that the order espouses. He asserts his firm belief in the principles enunciated by the preamble and constitution of the order, and admits that he is in full sympathy with the propaganda and practices thereof. Among other things, he indorses the sabotage recently practiced upon the timber and lumber industries in the Northwest, and when asked if he was willing to join the military forces of this country against Germany, he answered in effect that he entertained conscientious scruples against entering the Army. He further states that the views he entertained respecting these subjects at the time and previous to his naturalization were the same as he now holds and adheres to. So that it appears that his attitude of mind then respecting the principles and practices of the order of the Industrial Workers of the World was the same as his attitude now, to which he firmly adheres.

No further evidence is necessary for establishing his purposes and designs as it relates to organized government and the peace and tranquility of society, and we have only to inquire touching the doctrine and principles of the organization, whether they are promotive of or inimical to the maintenance and stability of organized government, and whether they are calculated to promote peace and good order in society, or whether they are adapted by design to the demoralization and degradation thereof.

I should say in this connection that the defendant has said that he indorses the preamble and constitution of this organization, and that further than that he is not acquainted with its principles and purposes; but, having actively engaged in the organi-

zation, and having been actively engaged in the furtherance of the cause in which the organization is embarked, taking into consideration his intelligence, there can be no question in the mind of the court that he was thoroughly acquainted with all its principles and propaganda. Let us therefore recount some of the doctrines, principles, and practices of the order. The preamble makes this enunciation:

"Between these two classes (the working class and the employing class) a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system."

The pledge is in these words:

"I do solemnly pledge my word and honor that I will obey the constitution, rules, and regulations of the Industrial Workers of the World, and that, keeping always in view its fundamental principles and final aims, I will, to the best of my ability, perform the task assigned to me. I believe in and understand the two sentences: 'The working class and the employing class have nothing in common,' and 'Labor is entitled to all it produces.'"

The tactics or methods of the I. W. W. are given by Vincent St. John, an adherent of the cause. I read only slight excerpts:

"As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us.

"It aims, where strikes are used, to paralyze all branches of the industry involved, when the employers can least afford a cessation of work—during the busy season and when there are rush orders to be filled.

"Failing to force concessions from the employers by the strike, work is resumed and 'sabotage' is used to force the employer to concede the demands of the workers.

"All supplies are cut off from strike bound shops. All shipments are refused or missent, delayed, and lost if possible. Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expenses to the taxpayers—which are but another name for the employing class.

"In short, the I. W. W. advocates the use of militant 'direct-action' tactics to the full extent of our power to make good."

Sabotage is defined by its authors and adherents to be: "Any conscious and willful act on the part of one or more workers intended to slacken and reduce the output of production in the industrial field, or to restrict trade and reduce the profits in the commercial field, in order to secure from their employers better conditions or to enforce those promised or maintain those already prevailing, when no other way of redress is open.

"(b) Any skillful operation on the machinery of production intended not to destroy it or permanently render it defective, but only to temporarily disable it and to put it out of running condition in order to make impossible the work of scabs and thus to secure the complete and real stoppage of work during a strike."

And again:

"Sabotage means either to slacken up and interfere with the quantity, or to botch in your skill and interfere with the quality of capitalist production or to give poor service. Sabotage is not physical violence; sabotage is an internal, industrial process. It is something that is fought out within the four walls of the shop. And these three forms of sabotage—to affect the quality, the quantity, and the service—are aimed at affecting the profit of the employer. Sabotage is a means of striking at the employer's profit for the purpose of forcing him into granting certain conditions, even as workmen strike for the same purpose of coercing him. It is simply another form of coercion.

I read from a pamphlet entitled, "On the Firing Line:"

"The program of the I. W. W. offers the only possible solution of the wage question whereby violence can be avoided, or at the very worst, reduced to a minimum. To all opponents of the organization, wherever found, we desire to state that this organization will to the best of its power and ability bend every effort toward making that program effective. We also desire to serve notice upon the ruling class and all its defenders that whatever form the struggle may take, we are determined to continue, in spite of all odds, until victory has been achieved by the working class. If the ruling class of to-day decide as its prototypes of the past have decided, that violence will be the arbiter of the question, then we will cheerfully accept their decision and meet them to the best of our ability, and we do not fear the result.

"The Industrial Workers of the World is without doubt the most revolutionary body in the world to-day.

"Being propertyless and landless they have no patriotism nor reason for patriotism.

"The abolition of the wage system and the creation of a new social order is its ideal. For this ideal the members will suffer hunger, brave the blacklist, rot in the bastille,

and fight—ever fight, for the freedom that awaits them when the rest of the workers awaken.

"To it has come the knowledge that justice, liberty, rights, etc., are but empty words, and power alone is real. Refusing to even try to delegate its power, it stands committed to the policy of direct action.

"It strives to have the workers realize the tremendous power tied up in their muscle and mind—a power that represents the measure of the masters' weakness. The workers are asked to withhold their labor power, to refuse to apply it to the machine, or to apply it so that the machine does not function properly, and thus defeat the masters.

"They (the workers) will seize and hold the machinery of production and distribution and operate it in their own interests."

Again, from a pamphlet entitled "Why Strikes Are Lost":

"Thus organized the workers will use all means that may be at their command in their battle for control. Strikes, irritation strikes, passive resistance strikes, boycott, sabotage, political action, and general strikes in industrial plants, will all be means applied with precision, and changed whenever conditions so dictate."

The "social general strike," to which the order is committed, is thus defined:

"The profoundest conception of the general strike, however, the one pointing to a thorough change of the present system; a social revolution of the world; an entire new organization; a demolition of the entire old system of all governments—is the one existing among the proletarians of the Roman race (Spain and Italy). For them the general strike is nothing less than an introduction to the social revolution. Therefore we call this the general strike, to distinguish it from general strikes for higher wages, or for political privileges (political mass strikes) 'The social general strike.' This conception of the general strike will be dealt with in this treatise.

"It is therefore not of such great importance for the propagandists and followers of the general strike theory (as for instance the Spanish and French workers understand it) to get all the workers to lay down their tools at the same time, as it is to completely interrupt production in the whole country, and stop communication and consumption for the ruling classes, and that for a time long enough to totally disorganize the capitalistic society; so that after the complete annihilation of the old system, the working people can take possession through its labor unions of all the means of production, mines, houses, the land; in short, of all the economic factories."

This pamphlet then deals with divers subjects, illustrating the application of the doctrines, and culminates with this climax:

"With a free society without class rule and exploitation, a society of free cooperation, we have that which corresponds with the absence of government, 'Anarchism.'"

I read a stanza which purports to be one of the songs of the order. It is styled "The Red Flag."

"The people's flag is deepest red,
It shrouded oft our martyred dead,
And ere their limbs grew stiff and cold
Their life-blood dyed its every fold.

CHORUS.

"Then raise the scarlet standard high;
Beneath its folds we'll live and die;
Though cowards flinch and traitors sneer,
We'll keep the red flag flying here."

The Lumber Jack, a publication of the order, in an editorial exclaims: "The 'Red Flag,' and sing it always to the courts while the people stare and wonder."

In this relation it may be stated that the doctrine of the order carries its adherents to a disregard of and a resistance to the orders and judgments of the courts, through organized protest and calumny, and violence if need be, to accomplish their purposes.

I read further a few extracts from the Industrial Worker, published at Spokane, Wash. This is the issue of April 4, 1912, and the excerpt is found in column 2, page 2, of that issue. It is an editorial under the title, "Our labor problem":

"We accept what benefits us from the socialist propaganda, we accept that portion of anarchist action that is of value, and we retain that which experience proves to be an aid in the class struggle."

In the issue of May 8 it is declared:

"The I. W. W. opposes the institution of the state. It holds that state or governmental control of industry would merely introduce a different form of slavery. Government implies governors and governed, a ruling and a subject class. No man is great enough or good enough to rule another.

"The I. W. W. is creating its own ideas of morality and ethical conduct, as opposed to the current conceptions of what constitutes 'right' and 'wrong.'"

I have read only a very meager number of these excerpts which have been introduced in evidence, but they serve to illustrate the principles and practices of the order. They are thoroughly indorsed evidently by the adherents of the order and by those who seem to be able to expound its doctrines. Other expressions may be found, such as these:

"Toward the existence of government the I. W. W. is openly hostile.

"It is antipatriotic.

"The kernel of evil lies in the very existence of the state, and violence is an economic factor."

No one can read these pamphlets and pronunciamentos of the order without concluding, by fair and impartial deduction, that it is not only ultrasocialistic but anarchistic. It is really opposed to all forms of government. It advocates lawlessness, and constructs its own morals, which are not in accord with those of well-ordered society. Its adherents are antipatriotic. They own no allegiance to any organized government. And I am unable to understand by what right such of them as come from another country can claim that they are entitled to be admitted to citizenship under the Stars and Stripes. The very oath they take avowing their allegiance to this Government is to them a worthless ceremony, for they do not intend to submit themselves to its Constitution, laws, rules, and regulations, nor to defend it in time of insurrection, or against an aggression from abroad, or when it is at war with other nations.

When, therefore, the defendant declared that he was attached to the principles of the Constitution of the United States, and was well disposed to the good order and happiness of the same, he made avowal of that which was not in his heart, and thereby deceived the court. And, further, he was a disbeliever in and opposed to organized government, and he fraudulently misled the court as to that.

So that Government's case is clear that defendant's certificate of naturalization was procured by fraud and deception imposed upon the court which directed its issuance, and the annulment of the certificate must follow.

CONFERENCE OF OFFICIALS ON POLICY AS TO RUSSIAN WORKERS AND I. W. W.

The CHAIRMAN. What other data have you prepared with reference to the deportation of alien members of the I. W. W. organization?

Mr. BLACKWOOD. A document, unsigned, dated July 26, 1918, which would seem to be a memorandum of the Bureau of Immigration, setting forth its idea with reference to the I. W. W. organization appears in Bureau file 54235/36-B. This document reads as follows:

JULY 26, 1918.

A conference was held on this date, attended by Mr. Abercrombie, Mr. Caminetti, Mr. Parker, Mr. Solomon, and Mr. McClelland, at which was discussed the policies concerning the disposition of cases of alien anarchists, some of whom are Italian anarchists and others Industrial Workers of the World and Russian Union Workers, now pending before the department, and the following points were agreed upon:

(1) That membership in the order of the Russian Union Workers, whose constitution and policies are distinctly anarchistic, is sufficient to justify deportation.

(2) That the policy concerning the disposition of such of the Russian Union Workers as are ordered deported to Russia shall be placed before the Secretary for advice and instructions.

(3) That membership in the I. W. W. together with evidence of knowledge on the part of the alien as to the nature of the propaganda and aims of the organization, as contained in its official literature, sympathy with and approval of such propaganda and aims, financial support by purchasing such literature or through paying membership dues into the general fund of the organization, to which fund the expense of publishing such literature is charged, voluntary contributions to the general defense fund for the members of the I. W. W. now under arrest or indictment, or in prison, and active support by distributing literature or acting as a delegate or organizer, and soliciting membership, collecting and transmitting dues, etc., shall be considered good grounds for deportation on the charge of advocating and teaching the unlawful destruction of property.

(4) That all members of the I. W. W. who are ordered deported to neutral countries shall be removed from the United States as soon as possible or practicable; that, in

the case of those going to Russia, the question shall be presented to the Secretary for advice and instruction; that, in the case of those to be deported to allied countries, the matter shall be taken up with the proper representative of such countries; that, where deportation is not possible for an indefinite period because of war conditions, members of the I. W. W. whose activities have been of a nature to warrant such action and who may be considered as dangerous to be at large may be detained; that, in less pernicious cases, where bond can not be furnished, the alien be released under the provisions of rule 17-A (see Bureau Circular of June 29); that, in those cases where deportation is hardly justified by the record, yet where a certain amount of evidence exists, the alien is to be paroled upon his own recognizance for a period of one year, he to report to the nearest immigration officer at regular intervals of three months.

(5) That, in the cases of Italian anarchists, evidence of their continued subscription to the Cronaca Sovversiva, the leading anarchist newspaper in the United States, writing articles for publication in this paper, taking subscriptions for it and transmitting the proceeds to the publishers, acting as distributing agents, receipting for bundles of the paper sent by express after it was denied the use of the mails, contributing to or soliciting and remitting money for the anarchist defense fund, and otherwise by their acts as well as by their words assisting in the spreading of the anarchist propaganda, shall be considered good grounds for deportation on the charge of advocating and teaching anarchy in the United States.

(6) That such of these Italian anarchists as are ordered deported shall be removed from the country to Italy as soon as possible or practicable, but that before such removal the matter shall be taken up with the proper Italian authorities; that, until deportation is effected, the aliens may be released under a proper bond, except in the milder cases they may be released upon their own recognizance under the terms of rule 17-A (see Bureau Circular of June 29, 1918); that, in those cases where the evidence is hardly sufficient to justify deportation, the aliens may be paroled on the same conditions as members of the I. W. W.

PROTEST OF SEATTLE COMMISSIONER.

Also documents appearing in bureau file 54235/36-D., and pertaining to the I. W. W. organization containing protest from the Commissioner of Immigration at Seattle regarding release of members of that organization on parole, a report of conditions immediately after the Centralia outrage, bureau memorandum on that subject for the assistant secretary and the latter's final instructions. These documents speak for themselves, and read as follows:

[Telegram.]

SEATTLE, WASH., November 13, 1918.

IMMIGRATION BUREAU,
Washington.

Your telegram November 13 regarding parole of 13 I. W. W., Spokane jail, received. In order that you may be in possession of the latest developments I think it advisable to withhold action under your telegram until further advised. I do not want you to construe this telegram as a desire on my part to refrain from complying strictly with your instructions, but believe it best to acquaint you with the facts and will await your further instructions before complying with your directions of the 13th. The I. W. W. organization recently held secret meetings in Portland, delegates attending from principal cities in United States as far east as Lynn, Mass. Delegates to this convention included representatives of radicals in mining industry, lumber industry, and shipbuilding industry, together with representatives of the Bolshevik movement of Serbia and Russia. The principal object of the meeting was to bring about a movement for the liberation of Mooney and all I. W. W. prisoners held by the different departments of the Government. The plan outlined was to work through the I. W. W. members for the metal trades council and cause a strike in the shipyards in Seattle over the recent Macy award, have this strike extend to the longshoremen of Puget Sound and from that to the lumber industry and a sympathetic strike thus extending through the entire industrial movement of the Pacific coast, then extend the movement eastward, covering the entire United States. Recently placards have been posted upon the immigration building in Seattle printed in red ink. "Liberate all political prisoners now" and in quotation the word "now" is underscored. Bulletin issued by I. W. W. to-day calling upon all organizers and

delegates to get busy. Comments upon revolution in Germany. Fred Heggs of Chicago now in Northwest organizing for general strike. Heggs claims he can have 40,000 men out before Thanksgiving Day. Maj. House, Portland, states he has learned that at I. W. W. meeting held in Portland, they decided to call general strike December 1, demanding in lumber industry six hours work per day and \$5 pay, also that all members held by Government be released. The radical slackers in the shipyards of Seattle have declared that the war is over, and several hundred of them have quit the shipyards. Members of the International Longshoremens Association in Seattle have refused to work on several ships and have openly stated that they would disregard any working agreement made by their executive officers. In view of the facts stated we should desire to know if it is still your opinion that the radical I. W. W. held in this district should be paroled. A similar action on the part of the attorneys representing the I. W. W. prisoners is now being prepared in western Washington. United States District Attorney, Spokane, advises that his court intimates he will grant writ November 15 on all cases heretofore ordered deported by the department for the reason that records do not substantiate charge in the acts of the organization, not sufficient under the old law. If all of these prisoners are turned loose, you can appreciate the impossibility of keeping them under surveillance. We are awaiting your further instructions.

HENRY W. WHITE, *Commissioner.*

[Telegram.]

SEATTLE, WASH., November 13, 1919.

IMMIGRATION BUREAU,
Washington:

Just returned from Centralia, Wash., where I. W. W.'s killed four men on November 11 and wounded several others. One ringleader was apprehended and lynched. Feeling running high there, also in Tacoma, Seattle, and entire Northwest. Several I. W. W.'s under arrest in Tacoma, Seattle, and other towns. Demands are being made by the State, county, and general public for deportation of alien I. W. W.'s.

I have tried to secure all information possible, but have taken no action looking toward general campaign of deportation, as only evidence now available under the deportation statute is membership in I. W. W.

Please instruct me what policy the department would have me pursue, as I must give an answer soon to the demands above mentioned.

WHITE.

[Telegram.]

SEATTLE, WASH., November 18, 1919.

IMMIGRATION BUREAU,
Washington, D. C.:

Just received telegram chief of police, Centralia, asking us to institute deportation proceedings against 14 I. W. W. now incarcerated in city jail there. Yesterday committee citizens from Tacoma called on me and insisted that we proceed in deportation of I. W. W.'s held there. Yesterday United States Department of Justice turned over to me their report on 20 I. W. W.'s held in city jail, Seattle. Authorities at Everett, Wash., telephoned yesterday they have number of I. W. W.'s held there. Other towns and cities are demanding something be done by reason of heinous crime committed at Centralia. Demands are acute. I have refused to take any action in premises, and have been expecting answer to my telegram of 13th asking for instructions. Unless I receive instructions at early date, I will be compelled to decline action in practically all cases now held by different cities throughout the State, as the only evidence so far secured to support deportation is membership in I. W. W. organization.

WHITE.

(Notation written on bottom of foregoing telegram, as follows:)

NOVEMBER 19, 1919.

Insufficient. Must be sufficient prima facie proof to justify you in telegraphing for warrant under the law.

L. F. P.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, November 15, 1919.

No. 54235/36-D

Memorandum for the Assistant Secretary.

The bureau notes your request for the preparation of a reply to the message of the Spokane Chamber of Commerce.

Under the pending departmental instructions to the bureau there is only one form of reply it can make to that organization in so far as the message and answer thereto affect or relate to the I. W. W. organization.

The bureau feels that under existing conditions and recent happenings in the West the subject should be considered from its present aspects with relation to the I. W. W.

Commissioner White, of Seattle, who is on the ground and has investigated the situation, has wired for instructions (see telegram hereunder).

The bureau is of the opinion that in the replies to said Chamber of Commerce and to the Commissioner at Seattle they should be advised that proceedings against members of the I. W. W. organization will be ordered just as the department is now and for some time past has been proceeding against the Russian Workers' Union. It is apparent that the former constitutes the same menace in the West that the latter does in the East, and the question arises at this time, should not the same treatment under the anarchistic provisions of the immigration laws follow as to the I. W. W.

The bureau has heretofore, in memoranda on the subject, expressed its views and made recommendations in relation to the matter of the prosecution of persons who hold membership in the I. W. W. organization. It continues of the opinion that the organization is anarchistic and revolutionary in its teachings.

In view of the receipt of said messages, particularly of the telegram from Commissioner White, and the necessity to reply thereto, and in view of the latest manifestations of the I. W. W., which have without doubt produced a grave and dangerous situation, the bureau has had the idea that possibly the department would wish to review the situation, and it is with this thought this memorandum is submitted and instructions requested.

A. CAMINETTI, *Commissioner General.*

(Notation on bottom of foregoing memorandum, as follows:)

NOVEMBER 15, 1919.

Send me existing department instructions, also previous recommendations and bureau and department response thereto, also any other authoritative record matter on the subject.

L. F. P.

54235/36-D

IMMIGRATION SERVICE,
Seattle, Wash.

NOVEMBER 19, 1919.

Answering yours of the 13th and 18th, department adheres to previous decisions that under I. W. W. constitution mere membership in that organization does not bring aliens within scope of act of October, 1918. But if it is shown that any alien, whether member of said organization or not, has individually or as one of a group, advocated or done anything or conspired with others to do anything bringing him within scope of said statute, arrest warrant will issue, but warrant will not issue without the usual prima facie proof showing such advocating or acting or conspiracy. Telegraphic warrants will issue when cases emergent.

Post.

Attest: Exact copy as signed by Louis F. Post, Assistant Secretary.

CONCERNING SABOTAGE.

Letters which assists to some extent in obtaining a fair idea of attitude of Department of Labor regarding the I. W. W. organization, read as follows:

FEBRUARY 6, 1920.

J. E. HOOVER, Esq.,

Special Assistant to The Attorney General, Department of Justice.

MY DEAR Mr. HOOVER: I beg to acknowledge the receipt of your letter of the 31st ultimo, with which you inclosed photostat copies of certain "stickers" issued by the I. W. W. with a view to furthering the interests of that organization. You call

particular attention to stickers numbered "2" and "3" on the sheet, and ask whether or not, in the opinion of the bureau, aliens found to be distributing these particular "stickers" fall within the provisions of the act of October 16, 1918.

As the bureau reads the two "stickers" in question, they advocate the practice of sabotage. Sticker No. 2, moreover, contains an implied threat in the words "We never forget," to be found thereon. It is, of course, the popular conception (and, according to the bureau's belief, there is some ground for such conception) that the word "sabotage" as employed in the literature of the Industrial Workers of the World, and as practiced by some, at least, of its members, means anything from the turning out of an inferior quality of work, slowing down on the job, etc., up to the actual and willful destruction of property in violation of law. If, therefore, the fact of distribution of these "stickers" would bring an alien within the contemplation of the act to which you refer, it would be that clause which reads as follows: "Aliens who advocate or teach the unlawful destruction of property."

The department has ruled, in this connection, that, while the I. W. W. does advocate, in its published literature, the practice of sabotage, the definition given for the word "sabotage" in such literature does not establish the character of the organization as one which advocates the unlawful destruction of property. While it is the bureau's understanding that individual members of the organization have resorted to the unlawful destruction of property, doubtless in pursuance of their conception of the meaning of the word "sabotage," the department so far has not been disposed to hold that it could take judicial notice (so to speak) of the fact that such term, as employed in its literature advocates the actual destruction of property.

Very truly yours,

Exact copy as signed by A. Caminetti, Commissioner General. Mailed February 11, 1920.

DEPARTMENT OF JUSTICE,
Washington, D. C., March 16, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: I have been advised that a circular was issued some time ago by the Bureau of Immigration containing a ruling to the effect that all inspectors at ports of entry were to exclude from admission to this country all aliens who admitted membership in the I. W. W. organization. I would appreciate it if you would advise me as to whether or not such a ruling has been made by your office, and if so, I would appreciate being supplied with a copy of the same.

Very truly yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

MARCH 31, 1920.

J. E. HOOVER, Esq.,
Special Assistant to the Attorney General,
Washington, D. C.

MY DEAR MR. HOOVER: Answering your letter of the 16th instant, I beg to advise you that the bureau has no knowledge of the issuance of instructions to the several ports of entry to exclude from admission to the United States aliens who admit being members of the organizations known as the Industrial Workers of the World. As such instructions would either emanate from it, or it would be advised in the event of their issuance by the department, it seems apparent that the information which has been furnished you is of an erroneous character.

Very truly yours,

Exact copy assigned by A. Caminetti, Commissioner General. Mailed April 5, 1920.

CASE OF ALFRED MARTIN.

The case of Alfred Martin, bureau file 54625/22, is a case that indicates the attitude of the Assistant Secretary of Labor toward the I. W. W. organization. Documents in the file give a fair idea of the case, but in this connection the decisions of Federal Judges Neterer and Wolverton, which I have already read into this report, should

be considered, both were on file in the Bureau of Immigration at time of the decision in the Martin case.

Documents pertaining to this case read as follows:

MAY 26, 1919.

Memorandum for the Secretary through the Acting Secretary:

Referring to the memorandum recently submitted by the bureau, recommending that the practice in I. W. W. and similar cases be changed so as to permit use to be made of the membership charge arising under the act of October 16, 1918, the bureau now submits the cases of Alfred Martin and Sam Robinson, both of which fairly well illustrate the bureau's contention that an effective enforcement of the act of October 16, requires that the membership charge shall be availed of, not indiscriminately, but in a discriminate manner.

It will be noted that the Martin case has been written up in the bureau with the purpose of recommending deportation. The bureau is inclined to think, however, that the theory upon which the tentative memorandum proceeds in that case will not stand the test to which it is almost sure to be subjected through habeas corpus proceedings. Doubtless "advocating" means something different from "teaching" where the two terms are used in the clauses of the law relating to the destruction of property. Doubtless, also, a man can advocate a doctrine or theory simply by carrying on person, private conversations with his fellowmen; but to hold a man guilty of advocating the destruction of property because when placed under cross-examination by Government officers he states, however plainly and unequivocally, that he believes in the unlawful destruction of property, in the bureau's judgment, is going somewhat too far. Nevertheless, the bureau is clearly of opinion that an alien who, like Martin, is not only a member of the I. W. W. but is a thorough believer, with full understanding thereof, in its tenets and doctrines, ought not to be permitted to remain in the United States. It is just such aliens as that who were intended to be reached by the membership charge, in the bureau's judgment.

The tentative memorandum attached to the Robinson case was prepared, as may be seen, with the purpose of recommending that the warrant be canceled and the proceedings discontinued; but this has been done merely because the present practice is not to use the membership charge—the alien ought to be deported. Robinson is a member of an organization which for a long while has been advocating and teaching the unlawful destruction of property by the means of literature put out by its publishing house and distributed by its secretaries, organizers and delegates; indeed some of its literature is distinctly anarchistic even. He is an intelligent man and an active and enthusiastic member of the organization and believer in its teachings. In the bureau's judgment he should be deported upon the ground that he is a member of an organization that advocates and teaches the unlawful destruction of property.

It is believed that these two cases will assist the department in reaching a conclusion on the matter presented in the bureau's previous memorandum.

Respectfully submitted.

A. CAMINETTI, *Commissioner General.*

AUGUST 9, 1919.

MAY 15.

These dates are as they appear on original memo.

In re Alfred Martin, aged 34, native and subject of Norway, entered from Canada presumably near Blaine, Wash., without inspection on or about December 15, 1910.

Memorandum for the Acting Secretary:

The above-named alien was arrested at the Pierce County jail, Tacoma, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property, and that after his entry into the United States he has become (or continues to be) a member of certain of the classes of aliens enumerated in the first section of the act approved October 16, 1918, to wit, (a) an alien anarchist, (b) an alien who disbelieves in or is opposed to all organized government, and (c) an alien who advocates or teaches the unlawful destruction of property.

This man states that he first landed in the United States in New York in July, 1900, as a member of the crew of the Norwegian ship *Thordenskald* and that he deserted the vessel there entering without inspection; that in 1910 he made a trip to Canada remaining there until December of that year when he again entered the United States by walking across the line, near Blaine, Wash., shortly before New Years. During the period of his residence in this country he says that he principally engaged in railroad and harvesting work; that the longest he ever held any one position was three and one-half months; that he has roamed about the country, beating his way on trains; and that he has been arrested on three previous occasions usually because

of activities in connection with the I. W. W. He has been a member of the I. W. W. organization since February, 1917, having joined in Chicago. He admits that he was at one time an organizer and a delegate, but claims that since his arrest at Spokane, Wash., he has not carried credentials, although he continually lined up new members and brought them to the I. W. W. halls. He is now serving a sentence in the Pierce County jail at Tacoma for distributing and pasting I. W. W. stickers or "silent agitators" on public property. He admits his guilt and says that if released to-day he would become even more active than he was before arrest. His membership book, No. 298627 shows dues paid to February 1, 1919.

The alien states that he fully believes in the teachings, principles and tactics of the I. W. W. He was asked if he believed in the use of sabotage in order to get what he wanted from the employer and replied, "Yes, if necessary." He attempted to qualify this, however, by saying that he did not believe in destroying property or breaking machinery. The following paragraph was read to him from one of the best known I. W. W. sabotage teaching pamphlets entitled "The I. W. W., its History, Structure and Methods":

"Failing to force concessions from the employers by the strike, work is resumed and 'sabotage' is used to force the employers to concede the demands of the workers. During strikes the works are closely picketed and every effort made to keep the employers from getting workers into the shops. All supplies are cut off from strike bound shops. All shipments are refused or missent, delayed and lost if possible. Strike breakers are also isolated to the full extent of the power of the organization. Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expense to the taxpayers—which is but another name for the employing class. In short, the I. W. W. advocates the use of militant 'direct action' tactics to the full extent of our power to make good."

When asked if the above met with his approval, he replied: "That is the way I understand it." Samples of the I. W. W. stickers which the alien admits he pasted on public buildings are contained in and made a part of the record. In addition to the payment of dues toward the I. W. W. organization, stamps in the alien's membership book indicated that he made \$63 in voluntary contributions to the order.

Not only has the alien done all in his power to assist the I. W. W., financially and otherwise, but he openly advocates and believes in the use of sabotage to accomplish his ends. While he attempts to say that he does not believe in destroying property or breaking machinery, his approval of the above-quoted paragraph shows that he does believe in and advocates missending, delaying, and losing if possible the supplies of employers, which is undoubtedly, in a great many instances, the equivalent to destruction of property.

In addition to his advocacy of sabotage, he has contributed heavily, according to his means, to an organization which prints, publishes, sells, and distributes sabotage-teaching literature.

Upon the basis of the above facts the bureau recommends his deportation to Norway, at Government expense, upon the ground that he has been found advocating the unlawful destruction of property.

(Not proved—Cancel, Louis F. Post, Assist. Secy.)

A. CAMINETTI,
Commissioner General.

(Notation at bottom of above memorandum as follows:)

What action did the Secretary take (or what instructions give) in re the bureau memo. of May 26, 1919, hereunder. Conference at 2 p. m. Aug. 22, 19 . (L. F. P., Aug. 21, 1919.)

The memorandum referred to was not approved. Attention is called to the fact that this memorandum bore only on the membership of the I. W. W. as an order. Aug. 22, 1919. "C"

CASE OF DAVID HORVATH.

Another interesting I. W. W. case is that of David Horvath, bureau file 54709/43, documents pertaining to this case read as follows:

SEPTEMBER 19, 1919.

In re David Horvath, aged 18, native and citizen of Hungary; entered presumably at New York, N. Y., per S. S. *Penonia* in 1908.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Fort Oglethorpe, Ga., on the grounds that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or

violence of the Government of the United States; and that he disbelieves in all organized government.

This man states positively that he does not believe in organized government and that law is unnecessary. He is a member of the I. W. W., and believes in industrial democracy or that system whereby an organization, such as the I. W. W., takes control of the industries and runs them to suit itself. His idea is to take the industries away from the capitalists without pay, and he also advocates the workers taking control of the industries regardless of the manner in which it has to be done. This man entertains practically the same ideas as all others who believe in the system of industrial democracy but is just a little more frank in expressing his opinions as to how that system should be brought into existence.

The bureau is of the opinion that all of the charges in the warrant are sustained, and upon those grounds recommends the alien's deportation to Hungary at Government expense, when possible.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

LAW OFFICE OF CHARLES RECHT,
New York, October 10, 1919.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

DEAR SIR: I appear for David Horvath, at Fort Oglethorpe, Ga., and request that I be advised of any proceedings taken in this case, that a hearing be accorded this alien, and that I be given an opportunity to act for my client in the various stages of the proceedings.

Very truly, yours,

CHARLES RECHT.

NOTE.—Pencil notation at bottom of original of above letter states: "File. Mr. Recht's partner, Miss Weiss, was permitted by Dept. to review this record. W. J. P." Copyist.

OCTOBER 23, 1919.

Memorandum for the Acting Secretary

The five records attached hereto relate to the cases of Louis Gyory, David Horvath, Kalman Pentek, Joseph Lesko and Steve Torok, all of whom have been ordered to be deported, on department warrants, on anarchistic and kindred charges. All are in confinement at the War Prison Barracks, Fort Oglethorpe, Ga., where the hearings in their respective cases were conducted.

It will be noted from the correspondence in the respective files relating to these cases that Attorney Charles Recht, of New York, has requested that he be given an opportunity to "act for his clients" in the various stages of their cases before the Immigration Service, and you are advised, in this connection, that a representative of Mr. Recht is now in Washington and called at the bureau to-day, when she made oral request to be permitted to review the records, in order that they might be in a position to determine the course of their future action in these cases. His representative (Miss Weiss) was advised that hearing had already been accorded the aliens that each and every one of them was advised, at the outset of the hearing, of his right to have present and be represented by, an attorney, that the right to have counsel present or to represent his case was waived by each and every one of the aliens, that the cases had proceeded to a decision before the department, and that warrants of deportation, with appropriate instructions as to their execution, had issued for all of them. As the right of representation by counsel had been expressly waived by all of the aliens, and nothing has been presented to show that Mr. Recht is now authorized to represent them, that they are in any way dissatisfied with the decision which has been rendered as to them or have made any request that their cases be reopened, Miss Weiss was advised that the bureau could hold forth no encouragement that she would be permitted to review the records for Mr. Recht, nor that he would be recognized as counsel for the aliens at this late stage of the cases. She did not intimate that the aliens had authorized Mr. Recht to appear at this time in their behalf, but did state that he is attorney for the Industrial Workers of the World, and expressed the opinion that, in his capacity as such attorney, he should be permitted to review the records in the cases of any and all members of that organization who have been arrested in deportation proceedings, regardless of the stages to which such cases may

have progressed. I think you will readily appreciate the inadvisability of permitting Mr. Recht, or any other attorney, so far as that is concerned, to appear in these cases in any but a regular manner, this after he has been duly authorized by the alien concerned to represent him, and has come into the case, in the usual manner, at some stage before a final decision is rendered by the department. To permit him to do otherwise would be to countenance irregularity of procedure which would prove most embarrassing, and would confer upon a him a privilege which could not possibly be extended to other attorneys, except in applications for a reopening in the usual way.

For the foregoing reasons, the bureau has respectfully to recommend that these records be not thrown open to the inspection of Mr. Recht, or his representative, in the absence of express request or authorization for him to appear by each alien who is affected.

A. CAMINETTI, *Commissioner General.*

Approved:
(Unsigned.)
Acting Secretary.

LAW OFFICE OF CHARLES RECHT,
New York, October 25, 1919.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Re David Horvath.

DEAR SIR: I respectfully request permission to reopen this case, as the record shows that the alien waived right to counsel, as he could not afford to pay for one or procure one who was willing to take the case. I would appreciate it if another hearing were granted and a day set when this case could be heard together with the others at Fort Oglethorpe, so that some one from this office might go down.

Yours, respectfully,

CHAS. RECHT.

NOVEMBER 1, 1919.

In re David Horvath, Stephen Torok, Kalman Pentek or Paintek.
Memorandum for the Acting Secretary:

The above-named aliens are all under order of deportation to Russia, and the facts regarding their cases will be found reviewed in bureau memoranda indicated at markers in the attached files. Attorney Chas. Recht represents himself as their attorney and has requested a reopening of each case, although there is no communication or indication of any kind in the record to show that these men desired Mr. Recht as their attorney.

As to the question of reopening these cases the Bureau has to state that each alien received a fair hearing at Fort Oglethorpe and were duly and properly apprised at the hearings of their right of attorney. In each instance the aliens waived their right of attorney, either stating that they did not desire such or were unable to pay the expenses for one.

There seems to be no good reason whatever why these cases should now be reopened merely upon the request of Attorney Recht. In each case the record was carefully reviewed and the aliens found to be here in violation of law. The aliens themselves have not requested a reopening of their cases nor is there anything in the record to indicate that they have communicated such a desire to Attorney Recht. Aside from the lack of merit of the request of Attorney Recht a reopening of these cases at Fort Oglethorpe would necessitate sending an immigrant inspector to that point, involving considerable time and expense. The question of removing these aliens to New York is now before the bureau, as it will be incumbent upon this service to take charge of them just as soon as the war prison camp breaks up at Fort Oglethorpe, which will probably be in the not far distant future.

It is recommended that the request to reopen these cases be denied.

(Sgd.) ALFRED HAMPTON,
Assistant Commissioner General.

Approved:
JOHN W. ABERCROMBIE, *Acting Secretary.*

LAW OFFICE CHARLES RECHT,
New York, November 5, 1919.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Re David Horvath.

DEAR SIR: I shall appreciate it if you will advise me of your decision in the matter of reopening this case. As this alien did not understand the proceedings fully the taking of further testimony would be desirable.

Yours, respectfully,

CHAS. RECHT.

NOVEMBER 18, 1919.

CHAS. RECHT, Esq.,
New York, N. Y.

DEAR SIR: Replying to your letters of the 5th instant in regard to the cases of David Horvath, Stephen Torok, and Kalman Pentek, now confined at Fort Oglethorpe, Ga., under order of deportation, I desire to state that, after due consideration of the matter by the bureau and department, your request for reopening of these cases can not be granted.

It appears that at the time of the hearings they were duly apprised of their right of attorney, but all declined to avail themselves of this privilege. No facts have been submitted by you which would justify reopening these cases at this late date.

Very truly, yours,

(Stamped as having been signed by ALFRED HAMPTON.)
Assistant Commissioner General.

CHARLES RECHT, COUNSELLOR AT LAW,
New York, April 17, 1920.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

SIR: Please enter my appearance for Dave Horvath, just sent to Ellis Island from Fort Oglethorpe, and advise me of all proceedings had in his case.

Yours, very truly,

CHARLES RECHT.

CHARLES RECHT, COUNSELLOR AT LAW,
New York, April 23, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

In re David Horvath.

DEAR SIR: I wish to enter a special plea for David Horvath, who is now on Ellis Island awaiting deportation, having been transferred from Fort Oglethorpe a few days ago.

This boy will be 19 years old next month and was arrested when he was 16, and has been interned for the past three years. He strikes me as being a very able and intelligent boy and in every way a person who if given an opportunity would make a good citizen and desirable member of the community.

As you probably know, he came to this country when very young and attended our public schools. He was arrested just as he commenced his career as a workman.

If he has been guilty of any indiscretions it has been due to his youth and certainly can not be said to have been the result of mature reflection, consideration, or knowledge on his part. I believe that the ends of justice would be best served in this case by giving him an opportunity to go back to his family in Cleveland under some sort of parole arrangement, so that he can demonstrate his willingness to conduct himself in a law-abiding manner.

At the time his hearing was given him, he has not attorney, and replied with youthfully characteristic impatience to the questions asked him. There is no doubt in my mind that in regard to the subject matter of the hearing he had no knowledge, information, or opinions, and made replies he did in the spirit of resentment against his long detention.

I would appreciate it, therefore, if you would reopen this case and grant him a rehearing, so that all the facts in the case may be presented.

Thanking you, I remain,

Very truly, yours,

CHAS. RECHT.

NOTE.—Original of above communication bears following notation: "Application for rehearing granted. Wire station. Louis F. Post, Asst. Sec. Apr. 24/20." Copyist.

INDEX.

[NOTE.—This index is intended as a rough guide to contents of these hearings. Letters and memoranda of Mr. Post, Assistant Secretary of Labor; Mr. Caminetti, Commissioner General of Immigration; Mr. Hoover, special assistant to the Attorney General, as well as reports of inspectors and agents, appear too frequently to be indexed in detail.—CLERK.]

	Page.
Anarchists, list of, for 1918.....	66
Berg, John, case of.....	42, 61
Bernat, Charles, case of.....	26, 63
Blackwood, W. A., statement of.....	3
Bostrom, August, case of.....	34, 57
Ciofalo, Andrew, case of.....	51, 63
Cohen, Katie, case of.....	54, 63
Ehrlich, Sol, case of.....	30, 64
Elick, Mike, case of.....	49, 62
Flogaus, Edwin, case of.....	38, 57
Hand, Judge, decision of, in case of Nelson.....	4
Hendrickson, Axel, case of.....	32, 61
Holm, Jalmar, case of.....	36, 62
Horvath, David, case of.....	85
I. W. W., alien members of, paroled.....	68
Jackson, Charles, case of.....	44
Johnson, Christ L., case of.....	21, 58
Kertz, Ephim, case of.....	47
Kisil, Alex., case of.....	63
Leivo, John, case of.....	33, 58
Linsky, Hersh, case of.....	64
Lipkins, Gus, case of.....	53, 63
Listkoff, Ephim, case of.....	62
Longfors, William, case of.....	5, 60
Lund, James, case of.....	7, 57
Martin, Alfred, case of.....	83
Martin, Joe, case of.....	41, 59
Maskalunas, Kazis, case of.....	64
Melta, Peter Williamson, case of.....	23, 63
Morgan, John, case of.....	4, 60
Names of aliens sent from Seattle to Ellis Island, February 7, 1919.....	13
Neterer, Judge, decision of, in cases of—	
Dixon.....	71
Bernat.....	71
Jackson.....	45
Otterholm, Magnus, case of.....	19, 60
Patterson, John, case of.....	64
Policy as to Russian Workers and I. W. W.—Conference of officers on.....	79
Ross, McGregor S., case of.....	18, 59
Rudkin, Judge, decision of, in case of Marhow.....	74
Sabotage, letter of Commissioner General of Immigration concerning.....	82
Seattle cases, disposition of, at Ellis Island.....	56, 64
Slutzker, Aaron, case of.....	63
Smith, Arthur J., case of.....	8, 61
White, Henry W., letter of protest from.....	80
Wolverton, Judge, decision of, in case of Carl Swelgin.....	76

COMMUNIST LABOR PARTY DE- PORTATION CASES

c^o
#106
266

HEARINGS

BEFORE A

U. S. Congress, House,

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

[3]

MAY 4, 6, AND 7, 1920

STATEMENT OF W. A. BLACKWOOD

DECISION OF SECRETARY OF LABOR IN
CASE OF CARL MILLER

CASES OF FEEBLE-MINDED AND INSANE
ALIENS ADMITTED

HISTORY OF L'ERA NUOVA ANARCHIST
GROUP OF PATERSON, N. J.

SUPPLEMENTAL LIST OF COMMUNIST
PARTY DEPORTATION CASES

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman.*

ISAAC SIEGEL, New York.
HAROLD KNUTSON, Minnesota.
ROSCOE C. McCULLOCH, Ohio.
J. WILL TAYLOR, Tennessee.
JOHN C. KLECZKA, Wisconsin.
WILLIAM N. VAILE, Colorado.
HAYES B. WHITE, Kansas.
KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.
JOHN E. BAKER, California.
RILEY J. WILSON, Louisiana.
BENJAMIN F. WELTY, Ohio.
JOHN C. BOX, Texas.
L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk.*

JUL 22 1920

COMMUNIST LABOR PARTY DEPORTATION CASES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Tuesday, May 4, 1920.

A subcommittee, called by Chairman Johnson, met at 10 a. m.

The CHAIRMAN. We have asked Mr. Blackwood for some information concerning the Communist Labor Party deportation cases. These are being held pending a decision by the Secretary of Labor. Do you know, Mr. Blackwood, whether or not the Secretary has handed down a decision with reference to the Communist Labor Party?

Mr. BLACKWOOD. I have not heard of his doing so yet.

[NOTE.—The decision of the Secretary of Labor was made May 5, and is made a part of this hearing.]

The CHAIRMAN. Have you examined the records in any of the cases?

Mr. BLACKWOOD. Yes; some. I have copies of some documents which are in the files of the Bureau of Immigration.

The CHAIRMAN. You may present them.

Mr. BLACKWOOD. I have the following:

DEPARTMENT OF LABOR,
OFFICE OF ASSISTANT SECRETARY,
Washington, March 6, 1920.

For: The Commissioner General of Immigration.

From: The Secretary.

Subject: Secretary's memorandum of January 7, 1920.

In resuming departmental charge of immigration matters in consequence of the absence of the solicitor, and in order to avoid misapprehension or misunderstanding, I respectfully recall attention to the Secretary's memorandum of January 7, 1916, the original of which is in my office and a copy whereof is hereto attached.

LOUIS F. POST,
Assistant Secretary.

OFFICE OF THE SECRETARY,
January 7, 1916.

Memorandum for the Assistant Secretary, the Solicitor, and the Commissioner General.

In cases under the immigration and Chinese exclusion laws which reach the department through the Bureau of Immigration, decisions by the Assistant Secretary are the decisions of the department unless reversed or modified by the Secretary in person.

Regarding any decision by the Assistant Secretary which appears to the commissioner general to be of sufficient importance for the Secretary's personal review, the practice hereafter is to be as follows: (1) Notice in writing will be promptly made by the bureau to the Assistant Secretary upon receipt of the latter's decision, such notice to be to the effect that personal consideration by the Secretary of the case in question is desired. (2) The file in the case will be transmitted either with the notice or within a reasonable time thereafter, to the Secretary through the Assistant Secretary along with such explanatory memorandum as may be necessary or appropriate. (3) The

file and the Secretary's decision will be returned to the bureau through the Assistant Secretary.

In any case in which the solicitor serves as Acting Secretary a like practice with reference to his decisions will be observed, the notice in such case going to and the file passing through the Acting Secretary instead of the Assistant Secretary.

W. B. WILSON, *Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 15, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Christanf Romanuk (alleged Communist) No. 54859/661.

In approving deportation for membership in the Communist Party the Acting Secretary must have been misled by the bureau memorandum of March 2, 1920. Upon examination of the evidence I can not sign the warrants. Suspend proceedings until return of Mr. Abercrombie. Release the alien meanwhile on parole.

LOUIS F. POST, *Assistant Secretary.*

Received March 17, 1920, Bureau of Immigration Law.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 18, 1920

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Bail in immigration cases at Hartford, Conn.

You are hereby directed to instruct Immigrant Inspector Clark at Hartford, by wire, to release immediately on \$1,000 bail all aliens now in his custody under departmental warrant who are held only as members of a proscribed organization. In all cases in which he himself has reason to believe that the prisoner is personally within the act of October 16, 1918, irrespective of the fact of mere membership, you are directed to instruct him to give hearing at once and transmit the record immediately to the department.

LOUIS F. POST,
Assistant Secretary.

Mr. Caminetti and Mr. Hampton absent from bureau. Mr. Peters drafted telegram as per instructions. 4 p. m. H. R.

Notify the attorneys concerned. March, 18, 1920. L. F. P.

MARCH 18, 1920.

CLARK, *Immigrant Inspector, Hartford, Conn.:*

You are hereby instructed to release all aliens now in your custody on department warrant who are held only as members proscribed organization on bond \$1,000 for each being furnished. In all cases in which you have reason to believe alien under arrest is personally within contemplation act October 16, 1918, irrespective of membership in a proscribed organization, you are directed accord hearing at once and transmit records thereof immediately to department.

Post.

Attest:

LOUIS F. POST, *Assistant Secretary.*

MARCH 24, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Disposition of aliens charged with being members of the Communist Labor Party.

It is my understanding that departmental warrants have been issued for the arrest of a considerable number of aliens as members of the Communist Labor Party, the exact status of which with regard to the act of October 16, 1918, has not yet been

determined by the Secretary. Since it now appears probable that the Secretary may not be able to rule on that point for a considerable time, you are directed to take the following action in Communist Labor Party cases, for the purpose of eliminating hardships not necessary to protect the interest of the Government:

1. Instruct all inspectors in charge immediately that they parole to counsel aliens who come within the above-mentioned classification, if the inspector in charge knows counsel for the alien to be of good standing and reputation.

2. In cases where parole to counsel can not be effected but the inspector in charge is satisfied that the alien will appear when wanted, instruct the inspector to release upon the alien's own parole.

3. The foregoing instructions do not apply to arrested aliens not now in custody.

4. Instruct inspectors in charge to transmit not later than March 31 the names of aliens in their custody who come within the above classifications, but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable.

5. Transmit to the department the reports of disposition of cases referred to in this memorandum.

LOUIS F. POST, *Assistant Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 27, 1920.

Memorandum.

For: The Commissioner General of Immigration.

From: The Assistant Secretary.

Subject: In re parole of aliens, No. 54844/190.

You appeal to the Secretary by memorandum of March 26, 1920, from decision of the Assistant Secretary in re Communist Labor Party cases, made in his memorandum of March 24, has been noted and transmitted to the Secretary.

Pending decision thereon by the Secretary, you are hereby directed to execute the directions of the Assistant Secretary's memorandum of March 24, which require (1) instructions to inspectors in charge to parole to counsel aliens who are under arrest upon the charge of being members of the Communist Labor Party, if the inspector in charge knows counsel for the alien to be of good standing and reputation; (2) in cases in which parole to counsel can not be effected, but the inspector in charge is satisfied that the alien will appear when wanted, instructions to release upon the alien's own parole; (3) the foregoing directions not to apply to arrested aliens not now in custody; (4) instructions to inspectors in charge to transmit, not later than March 31, the names of aliens in their custody who come within the above classifications but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable; (5) transmission to the department of the reports of disposition of cases referred to above. Copy attached.

LOUIS F. POST, *Assistant Secretary.*

MARCH 31, 1920.

Memorandum for the Assistant Secretary.

Your memorandum of the 27th instant, in re parole of aliens, I am informed was received in the bureau after office hours on the 29th, and, having by some one been attached to file No. 54844/190, was not found immediately, as I was looking for it elsewhere than in a Communist Party file. The bureau notes that the appeal has been sent to the Secretary; but since you are proceeding with the subject of said appeal as though it had not been taken, the bureau does not care to bother the Secretary with taking up a matter upon which you propose to act notwithstanding the appeal was taken by the bureau as provided by the memorandum of the Secretary of January 7, 1916. Therefore the bureau respectfully withdraws the appeal heretofore entered herein.

A. CAMINETTI, *Commissioner General.*

COMMUNIST LABOR PARTY DEPORTATION CASES.

U. S. DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, March 31, 1920.

In re Parole of aliens (Communist Labor Party).
Memorandum for the Assistant Secretary:

The bureau, in accordance with directions found in your memorandum of the 27th instant (received the 29th), has prepared telegraphic instructions to all commissioners of immigration and inspectors in charge for the signature of the Assistant Secretary. Please find such telegraphic instructions hereunder.

A. CAMINETTI, *Commissioner General*.

(Notation on bottom of foregoing memorandum.)

Noted & telegraph signed with an alteration Mar.31/20. L. F. P.

MARCH 31, 1920.

IMMIGRATION SERVICE,
Ellis Island, New York Harbor:

Pending further directions you are instructed—First, parole to counsel aliens who are under arrest on charge of being members of Communist Labor Party if you know counsel for the alien to be of good standing and reputation. Second, in such cases in which parole to counsel can not be effected but the commissioner or inspector in charge is satisfied that the alien will appear when wanted you are authorized to release such alien upon his own parole. Third, foregoing instructions not to apply to arrested aliens not now in custody. Fourth, you are instructed to transmit this day the names of aliens in your custody who come within the above classification but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable. The foregoing instructions do not apply to aliens, alleged members of Communist Party of America.

LOUIS F. POST, *Assistant Secretary*.

Exact copy as signed by Louis F. Post.
Mailed March 31, 1920.

MARCH 31, 1920.

WESTERN UNION:

Repeat the foregoing message to the following stations: Immigration Service, Boston, Mass.; Baltimore, Md.; Chicago, Ill.; Cleveland, Ohio; Buffalo, N. Y.; Hartford, Conn.; Detroit, Mich.; Minneapolis, Minn.; Philadelphia, Pa.; St. Louis, Mo.; Seattle, Wash.; San Francisco, Calif.; Portland, Oreg.; Denver, Colo.; Jacksonville, Fla.; Los Angeles, Calif.; El Paso, Tex.

COMMISSIONER GENERAL.

Exact copy as signed by A. Caminetti.
Mailed March 31, 1920.

MEMORANDUM CONCERNING THIRD INTERNATIONAL.

Supplemental memorandum for the Secretary.

Pursuant to your request, the bureau submits, herewith, a supplemental memorandum covering the Communist Party of America, showing its affiliation with the Communist International, and quoting, under appropriate subheadings, the various provisions of the manifestos, constitutions, programs, etc., of the two organizations which bear upon the purpose and object of the Communist Party of America. 2

I. THE THIRD INTERNATIONAL.

On March 2, 1919, there assembled at Moscow representatives of all the communistic groups throughout the world for the purpose of adopting a unified program enunciating the principles of communism. This assembly was called by the Communist Party of Russia and the Spartacus group of Germany, and the program and manifesto adopted at the Third International was based upon the principles and tactics adhered to by the Russian Communists. At the time of the assembling of the Third International the communistic movement in the United States had not been developed into a separate and distinct movement but it was represented at the Third International by a delegate who purported to be the official delegate of all of the communistic groups in the United States. A manifesto and program were drafted and adopted by the

delegates at the Third International, which manifesto and program will be analyzed herein. This manifesto and program was the expression of the views upon international communism and was addressed to the workers of all countries. In its contents frequent reference is made to the United States, thus showing that the United States was considered as a field for the development of communistic doctrines.

The reason for the preceding explanation and the following analysis of the manifesto and program of the Third International is that there is found in section 2 of the constitution adopted by the Communist Party of America the following requirement:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work."

II. PURPOSE AND AIMS OF THE COMMUNIST PARTY OF AMERICA.

In view of the affiliation of the Communist Party of America with the Third International, the purposes and aims of the Communist Party of America will be pointed out by analyzing the manifesto and program of the Communist Party of America and by a comparison with certain pertinent ideas expressed in the manifesto and program of the Third International.

CASE OF CARL MILLER.

I also came across an interesting memorandum in the case of Carl Miller, bureau file 54709/800, which is the case of a member of the Communist Labor Party of America arrested in Colorado district. Hearing was accorded alien and in due course received by the Bureau of Immigration. The Commissioner General, under date of February 19, 1920, submitted a memorandum for the department treating on the Communist Labor Party and closing with the statement that the bureau finds said party an organization coming within the act of October 16, 1918, and recommended deportation. Under date of February 21, 1920, the commissioner general submitted memorandum for the Acting Secretary with reference to a hearing before the Secretary, the purpose being to determine whether or not the above-named organization came within the act. Under date of March 24, 1920, the Assistant Secretary submitted a memorandum to the Commissioner General, instructing that the file be held until return of the Secretary and then submitted through the Assistant Secretary for decision. Instructing further that alien be released on personal recognizance if inspector in charge at Denver was satisfied he would appear. The inspector in charge at Denver was so instructed by wire. He replied that alien was out on bond, saying that he knew nothing about the alien and was unable to express an opinion as to whether or not he would appear if released as instructed, further suggesting that the bond be allowed to stand.

The case is still pending. The documents give a full understanding of case; they read as follows:

FEBRUARY 19, 1920.

In re Carl Miller, aged 38, native and citizen of Germany, arrived at port of Galveston, Tex., in October, 1907.

Memorandum for the Secretary (through the Acting Secretary).

This alien was arrested on the department's warrant of December 27, 1919, which warrant contained the following charges, drawn pursuant to the terms of the act of October 16, 1918: (1) That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; (2) that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; (3) that he is a member of or affiliated with an organization that advocates the overthrow by force or violence

of the Government of the United States; (4) that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; (5) that he is a member of or affiliated with an organization that teaches opposition to all organized government; and (6) that he is a member of or affiliated with an organization that entertains opposition to all organized government.

The prima facie evidence which was used by the department as the basis for the issuance of its warrant of arrest is contained in an affidavit sworn to by a special agent of the Department of Justice, in which the averment is made that the subject is an alien, that he is a member of the Communist Labor Party, and attends the meetings of that organization which are held in Denver, Colo., and that the Communist Labor Party is one mere membership in which makes an alien liable to deportation under the act of October 16, 1918.

At the time alien was taken into custody there was found in his possession his membership card, showing membership in the Communist Labor Party, and that his dues had been paid in said organization up to January, 1920. The special agent of the Department of Justice, upon being questioned, testified to the effect that he was present at the time when alien was arrested and took a statement from him, at which time alien admitted that he became a member of the Socialist Party in April, 1919, that later there was a split in that organization, as a result of which a portion of it became a part of the Communist Labor Party. Alien affirmed the truth of the statements made to said special agent, admitting his membership in the Communist Labor Party and the payment of his dues in advance, as stated. Alien further admitted his familiarity with the manifesto and program of the organization, and the same was read to him at a meeting of the Socialist Party in Denver in October last, at which time it was decided to join the Communist Labor Party. The examining inspector recommends that the alien be deported, and the inspector in charge at Denver, in transmitting the case, concurred in such recommendation.

The facts in this case seem to be entirely clear and, summed up briefly, are to the effect that alien is a member of the Communist Labor Party, is familiar with the constitution and program of such party and, if his testimony can be accepted as any indication, is in full accord therewith. With this statement of fact as a premise, the bureau proceeds to an analysis and discussion of the provisions of the constitution, platform, program, official pronouncements, etc., of the Communist Labor Party with the purpose in view of showing that said organization is one within the purview of the act of October 16, 1918, mere membership in which renders an alien subject to deportation from the United States. A brief history of this organization will first be made:

The Communist Labor Party, as was the case with the Communist Party of America (comment upon which was made in a former memorandum to you submitted in connection with the Englebrert Preis, et al., cases), is an outgrowth of the Left Wing of the Socialist Party. At a convention of the Socialist Party held in Chicago in the latter part of August, 1919, the purpose of which was to settle and adjust, if possible, the difference which had arisen within said organization, the Left Wing element of the Socialist Party withdrew from the convention en masse. The Left Wing members, headed by John Reid, of New York, who were refused seats as delegates to said convention, met on September 3, 1919, at the building used as the headquarters of the recruiting union of the I. W. W., for the purpose of holding a convention of their own, which was known as the "Convention of the Communist Labor Party of America." The delegates to this convention proceeded to draft and adopt a platform and program of their own. During the course of the debate among the delegates a discussion arose as to whether or not the words "political action" should be utilized in connection with the accomplishing of the aims of the newly organized party. After a heated debate these words were stricken from the "platform" of the party. Efforts were also made at the outset of the convention to unite with the Communist Party of America. This met with the failure due to the attitude of some of the leaders of the Communist Labor Party. To show the unity of purpose of the two parties, their similarity in program, modes and methods of accomplishing their aim, affiliation with the Communist International, etc., it seems not inappropriate to state at this time that during the recent hearing which the Secretary of Labor accorded certain attorneys representing the Communist Party of America the assertion was freely made that the Communist Party of America and the Communist Labor Party are one and the same in purpose and aims, are in accord as to the methods of obtaining those aims and, in fact, are in all essential respects identical except as to the matter of leadership. It seems also appropriate to insert, at this place in the bureau's memorandum, the following excerpt from a letter which Swinburne Hale, of counsel for the Communist Party of America, addressed to the Secretary of Labor under date of January 14, 1920, and to follow the same with extracts from authorized writings of the Communist Labor Party:

"I have no doubt that if this procedure is satisfactory I can arrange to have similar officials of the Communist Labor Party produced for examination at the same time.

You may not, however, feel that this is necessary, since the language of the Communist Labor Platform is substantially the same, and the number of its members arrested is smaller."

In the October, 1919, number of the Communist Labor Party News, which is the "official organization organ of the Communist Labor Party" (copy herewith submitted) appeared an article under the caption "The Three Parties." While this article must be read in its entirety to be fully appreciated, the following excerpts therefrom are of considerable significance in connection with the point which the bureau is endeavoring to bring out, viz, the similarity in every essential detail of the Communist Party of America and the Communist Labor Party:

"If there is any fundamental difference of principle between the Communist Party and the Communist Labor Party, then we would not favor unity of the two, for a lasting unity can be achieved only on the basis of agreement on fundamental principles.

"That such agreement on principles is a fact will be evident to any one that compares the platforms, programs, and manifestos of the two parties. Both conventions based their pronouncements squarely upon that of the Third International. Both are in accord with the Left Wing program of New York. Both are worthy expressions of the principles of international communism.

* * * * *

"But there is a very serious difference between the two parties in their form of organization, a difference that must be thrashed out if the parties meet in unity conference, a difference that should be noted by every comrade before he joins either party."

Before passing on to an examination and analysis of the constitution, platform, and program of the Communist Labor Party, it seems pertinent to quote this further excerpt from the article "The Three Parties" as showing the direct connection between the Communist Labor Party and the exponents of communism in Europe:

"If you agree with our platform and program, if you indorse the fundamental principles of communism, if you desire to clasp hands in Communist comradeship with the Bolshevik and the Spartacans in the Third International, and if you believe that all comrades in this country that stand on these fundamental principles should be in one party, then join the Communist Labor Party at once."

Section 4 of article 2 of the constitution of the Communist Labor Party provides that all persons joining said party shall sign a pledge reading as follows:

"I, the undersigned, recognizing the class struggle between the capitalist class and the working class, and the necessity of the working class organizing itself politically and industrially for the establishment of communism, do hereby apply for membership in the Communist Labor Party.

"I have no relations, as member or supporter, with any other political party.

"I am opposed to all political organizations that support the present capitalist profit system and I am opposed to any form of trading or fusing with any such organizations.

"In all my political actions while a member of the Communist Labor Party, I agree to be guided by the constitution and platform of that party."

Section 3 (a) of article 8 of the constitution provides:

"The platform of the Communist Labor Party shall be the supreme declaration of the party, and all State and municipal platforms shall conform thereto."

The following excerpts are taken from the "platform and program of the Communist Labor Party," as adopted at the Chicago convention:

PLATFORM.

"SECTION 1. The Communist Labor Party of the United States of America declares itself in full harmony with the revolutionary working class parties of all countries and stands by the principles stated by the Third International formed at Moscow.

* * * * *

"Sec. 4. The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalist rule, and the conquest of political power by the workers. The workers organized as the ruling class, which through their government, make and enforce the law; that is, own and control land, factories, mills, mines, transportation systems, and financial institutions. All power to the workers.

* * * * *

"Sec. 6. To this end we ask the workers to unite with the Communist Labor Party for the conquest of political power to establish a government adapted to the communist transformation."

Under the heading "Party and labor program" the essence of the "principles" as stated in the Third International formed at Moscow, are given. The following in particular are pertinent to the scope of the present inquiry:

"The working class must organize and train itself for the capture of state power. This capture means the establishment of the new working class government machinery, in place of the state machinery of the capitalists.

* * * * *

"The present world situation demands that the revolutionary working class movements of all countries shall closely unite.

"The most important means of capturing state power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist state for this purpose is only secondary.

"In those countries in which there is a possibility for the workers to use this machinery in the class struggle, they have, in the past, made effective use of it as a means of propaganda, and of defense. In all countries where the conditions for a working class revolution are not ripe, the same process must go on.

"We must rally all groups and proletarian organizations which have manifested and developed tendencies leading in the direction above indicated, and support and encourage the working class in every phase of its struggle against capitalism.

* * * * *

"Not one of the great teachers of scientific Socialism has ever said that it is possible to achieve the social revolution by the ballot."

The following significant paragraphs are quoted from the "Program" of the party:

(1) We favor international alliance of the Communist Labor Party only with the Communist groups of other countries, those which have affiliated with the Communist International.

(2) We are opposed to association with other groups not committed to the revolutionary class struggle.

(3) We maintain that the class struggle is essentially a political struggle, that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchical or democratic-republic, and to replace it by a governmental structure adapted to the Communist transformation."

An exposition on the purpose of the Communist Labor Party is contained in a "Special report on labor organizations," which was published simultaneously with the "Platform and program" of the party. It reads as follows:

"The purpose of the party is to create a unified revolutionary working class movement in America."

The same report defines the expression "revolutionary industrial unionism," which expression appears frequently in the official literature of the organization, as follows:

"By the term 'revolutionary industrial unionism' is not meant the organization of the workers into unions but industries with a revolutionary aim and purpose; that is to say, a purpose not merely to defend or strengthen the status of the workers as wage earners, but to gain control of industries."

ARGUMENT.

As is the case with respect to the constitution, program, and other official pronouncements of the Communist Party of America, frequent reference is made in the official documents and pronouncements of the Communist Labor Party to the "revolutionary aim" of the party; to the "capture of State power" by the "action of the masses," and by the "revolutionary working class movement"; to the "overthrow of capitalistic rule and the conquest of political power by the workers"; and to the "conquest of political power" by means other than the ballot. The significance of these phrases, but thinly veneered in the official publications of the Communist Labor Party, is made the more readily apparent when the manifesto and program of the Third International and that of the Communist Party of America are examined and considered in the light of the fact that the Communist Labor Party has publicly declared itself to be "in full harmony with the revolutionary working class parties of all countries and stands by the principles" as stated by the former at Moscow, Russia, in March, 1919, and that there is no "fundamental difference of principle" between it and the latter, as both "based their pronouncements squarely upon that of the Third International." The department has already examined, with care, the constitution, program, and pronouncements of the Communist Party of America, and has held that said organization is one of the character described by the act of October

16, 1918, membership in which renders an alien subject to deportation from the United States.

That it is the intention and the announced program of all Communist parties to establish a communistic form of government, patterned upon that which now exists in Russia, in the United States as well as in other countries of the world is a fact which here needs no argument to support it. In order to bring about the abolition of the existing form of government, which this and other alien organizations have termed the "capitalistic government," revolution is counseled. It is significant to note, in this connection, the recent Associated Press article commenting upon the apprehension of a "Bolshevik" agent while en route to the United States and the seizure of a document found in his possession, signed by M. Bucharin, "president of the Third International of Moscow" and addressed "To our American comrades," which document is said to have contained the outline of a general program for a world revolution. After making allusion to the exclusion of the Left Wing elements from the American Socialist Party, it commented, according to the dispatch, upon the fact that the time is ripe for a Communist Party, for the establishment of a government of workers' soviets, and for carrying on an intensified propaganda among soldier and sailors "for the purpose of forming soldiers' and sailors' soviets." After counseling that these "workers' soviets" should in no wise be allowed to degenerate into philanthropical or social associations, but "should be militant fighting units aiming to control the State and for the dictatorship of the proletariat," the document stated, according to the dispatch, as follows:

"Not one inch should be yielded in this. Your work is the direction of strikes and unemployment and fomenting insurrection. Arming is a paramount necessity, and those demobilized who have revolutionary sympathies should not give up their rifles."

The Communist Labor Party, while it does not possess so large a membership as the Communist Party of America, has ramifications all over the United States, and, like the Communist Party of America, is conducting an intensified propaganda among the alien element in the country (particularly among the Russians, Germans, and Austrians) with a view to adding to its membership list as rapidly as possible. The guiding hand back of all this program is quite clearly the Communist International (or Third International as it is frequently called), the sinister purpose of which organization has already been commented upon briefly.

FINDING.

The bureau finds that the Communist Labor Party of America is an organization of the class inhibited by the act of October 16, 1918, and that the alien Carl Miller, who admits that he is a member of said organization, is in the United States in violation of law and subject to be deported therefrom on the charges which have been alleged against him in the outstanding departmental warrant of arrest. His deportation to the country whence he came, at Government expense, is accordingly recommended.

A. CAMINETTI,
Commissioner General.

Approved.

_____ (unsigned), *Secretary.*

FEBRUARY 21, 1920.

Memorandum for the Acting Secretary:

Referring to your note hereunder of the 14th instant, the bureau presents, herewith, the case of Carl Miller, arrested under the provisions of the act of October 16, 1918, on the ground that he is a member of an organization within the purview of that act, namely, the Communist Labor Party of America. As the Secretary has not definitely and finally held that the Communist Labor Party is such an organization, the Bureau has reviewed, at some length, the constitution, program and pronouncements of said party, and has also endeavored to show its connection with the Communist International, and that it is, to all intents and purposes, identical in its aims, methods of attaining its aims, etc., with the Communist Party of America, which organization the Secretary determined, in the case of Englebert Preis (No. 54709/495) was such an organization as described by the act of October 16, 1918, mere membership in which renders an alien liable to deportation.

You stated, in your memorandum above referred to, that the Secretary will grant a hearing on the Communist Labor Party "as soon as the bureau is ready," and that the Department of Justice and the attorneys interested should be notified.

The bureau knows of no attorneys (or attorney) that have requested a hearing before the department on behalf of the Communist Labor Party; hence it has not notified any attorneys that a hearing will be granted.

A. CAMINETTI,
Commissioner General.

(Notation in ink:) Received and noted February 24, 1920. John W. A.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 25, 1920.

Memorandum for the Secretary (through the Assistant Secretary).

Attached hereto is the file in the case of Carl Miller (54709/800), who is charged with membership in the Communist Labor Party, which, in the opinion of the Commissioner General of Immigration, is an organization of the class inhibited by the act of October 16, 1918. The Bureau knows of no attorney who desires a hearing before the Department on behalf of that party. The Department of Justice will send a representative when you are ready for the proposed hearing. If you will indicate a day and hour which will suit your convenience, I shall notify the Department of Justice.

JOHN W. ABERCROMBIE,
Acting Secretary.

(Notations in ink:) Noted and transmitted to the Secretary. Louis F. Post, Assistant Secretary, February 25, 1920.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 24, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Carl Miller, member of Communist Labor Party, No. 54709/800.

The hereunder file was transmitted from the solicitor as Acting Secretary to the Secretary by me, as appears from my notation of February 25, 1920, on Mr. Abercrombie's memorandum of same date hereunder. Owing to his absence from illness the Secretary was unable to take up the subject matter for consideration, and as he is now absent from the city in consequence of continued illness, the file has come back to me.

It is now directed that this file be held in the bureau for submission to the Secretary upon his return, through the Assistant Secretary. Meanwhile, release the alien on his own recognizance if satisfied he will appear when wanted for further proceedings. Notify alien's counsel of this action and of the fact that the case is being held for consideration by the Secretary of the question of whether or not the Communist Labor Party is an organization of the class inhibited by the act of Congress of October 16, 1918.

LOUIS F. POST,
Assistant Secretary.

MARCH 27, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

We are in receipt this day of telegram from the bureau as follows:

"Assistant Secretary has deferred case of Carl Miller for the present; meanwhile release him own recognizance if you are satisfied he will appear when wanted.

HAMPTON."

As this alien is now out on bond in the sum of \$1,000, and the bond is one given by his own friends, persons of his own nationality, and no premium is charged on the bond, and as I know nothing at all about the alien and am unable to give an opinion as to whether or not he would "appear when wanted." I deem it best to let the matter stand as it is until final disposition is made by the bureau, unless otherwise ordered. This alien was released from jail on the 28th ultimo, the bureau being so notified on that date, and bond forwarded.

W. R. MANSFIELD,
Inspector in Charge.

APRIL 6, 1920.

In re Carl Miller, aged 28 years, German.
Memorandum for the Assistant Secretary.

Referring to your instructions of March 24, relative to the release on his own recognizance of the alien Carl Miller, an alleged member of the Communist Labor Party, the bureau has to state that such instructions were transmitted to the inspector in charge at Denver, Colo., where the alien was supposed to be detained, and we are in receipt of advices from that official to the effect that the alien was released on bond in the sum of \$1,000 on February 28.

Inasmuch as this bond was given by the alien's friends, and no premium is being charged, the bureau, unless otherwise instructed, will allow the matter to stand in status quo until the case is finally acted upon by the department.

A. CAMINETTI,
Commissioner General.

(Notation in ink:) Noted O. K. Louis F. Post, Assistant Secretary.

(Whereupon the subcommittee adjourned.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Thursday, May 6, 1920.

The subcommittee met at 10.30 a. m., on call of Chairman Johnson.

The CHAIRMAN. Secretary Wilson, of the Department of Labor, has given out his decision in the Communist Labor Party deportation cases. He holds that members of the party are not deportable for mere membership. A copy of his decision was handed to me last night. The decision is based on the Carl Miller case, on which case our committee had a statement the other day.

(The Secretary's decision follows:)

DECISION OF SECRETARY OF LABOR IN COMMUNIST LABOR PARTY CASES.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 5, 1920.

Memorandum for the Commissioner General of Immigration (through the Assistant Secretary) in re Carl Miller.

Age, 38; native and citizen of Germany; arrived at the port of Galveston, Tex., in October, 1907.

This is a case arising under the provisions of the act of October 16, 1918. It is alleged that the alien is a member of the Communist Labor Party of America, and that the Communist Labor Party of America is one mere membership in which makes an alien liable to deportation under the act of October 16, 1918. Alien admits his membership in the Communist Labor Party; that he pays his dues in advance, and that he is familiar with the manifesto and program of the party. The question to be determined by the Secretary of Labor is, therefore, does the Communist Labor Party come within the purview of the act of October 16, 1918, making aliens who are members of it liable to deportation?

The language of the act applicable to this case is as follows:

"SECTION 1. * * * aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States * * *"

"SEC. 2. * * * shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February 5, 1917."

In a letter to the Secretary of Labor, dated January 14, 1920, Mr. Swinburne Hale, counsel for the Communist Party, and later for the Communist Labor Party, said relative to making arrangements for hearing in the Communist Party case:

"I have no doubt that if this procedure is satisfactory I can arrange to have similar officials of the Communist Labor Party produced for examination at the same time. You may not, however, feel that this is necessary, since the language of the Communist Labor platform is substantially the same and the number of its members arrested is smaller."

Nevertheless, an examination and comparison of the Communist Party platform and program with that of the Communist Labor Party platform and program discloses some very substantial differences. The Communist Party requires its applicants for membership to sign a card reading as follows:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work."

It will be observed that the application for membership requires the applicant to assert that he has read the constitution and program of the Communist Party and that he adheres to the principles and tactics of the party and Communist International.

The Communist Labor Party application for membership is decidedly different. It reads as follows:

"I, the undersigned, recognizing the class struggle between the capitalist class and the working class and the necessity of the working class organizing itself politically and industrially for the purpose of establishing communist socialism, hereby apply for membership in the Communist Labor Party. I have no relations as member or supporter with any other political party. I am opposed to all political organizations that support the present capitalist profit system, and I am opposed to any form of trading or fusing with any such organizations. In all my actions while a member of the Communist Labor Party I agree to be guided by the constitution and platform of that party."

There is in this application and pledge no intimation that the member is required to accept the tactics of the Communist International or the tactics of the Communist Labor Party, except in so far as they are expressed in the constitution and platform of that party. Yet it is not the principles advocated but the tactics proposed to be pursued to secure their adoption which create the deportable condition.

In order that we may clearly understand the duty devolving upon the Department of Labor, it should be pointed out that the recognition of the class struggle between the capitalist class and the working class, the advocacy of the political and industrial organization of the working class to establish communist socialism, the declaration that he has no relations as a member or supporter with any other political party, or the declaration that he is opposed to political organizations that support the present capitalist profit system, and to any form of trading or fusing with any such organization, does not make an alien deportable under the law.

The Communist Party asserts that "communism does not propose to capture the bourgeois parliamentary state but to conquer and destroy it," thereby making clear its intent to use force to attain the end in view. No matter how much mass action or economic power in the form of strikes may be used as a means of propaganda, it would be impossible to conquer and destroy our present form of government without the use of force, unless it is first captured by the parliamentary methods provided by our Constitution and laws.

The Communist Labor Party makes no such definition. On the contrary, in Part I, section 2, of the Party and Labor Program, it declares: "The working class must organize and train itself for the capture of state power."

The Communist Party declares that "participation in parliamentary campaigns * * * is for the purpose of revolutionary propaganda only." The Communist Labor Party makes no declaration to that effect.

Because of these differences the conclusion was reached that the organizations would be passed upon separately and each dealt with in accordance with its own merits.

The principal excerpts from the Communist Labor Party platform and program relied upon to show that the organization is one mere membership in which makes an alien liable to deportation under the act of October 16, 1918, are as follows:

"PLATFORM.

"1. The Communist Labor Party of the United States of America declares itself in full harmony with the revolutionary working-class parties of all countries and stands by the principles stated by the Third International formed at Moscow."

"PARTY AND LABOR PROGRAM.

"Part I: The Communist Labor Party of America declares itself in complete accordance with the principles of communism, as laid down in the Manifesto of the Third International formed at Moscow.

"2. The working class must organize and train itself for the capture of state power. This capture means the establishment of the new working-class government machinery in place of the state machinery of the capitalists.

"6. The most important means of capturing state power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist state for this purpose is only secondary.

"7. In those countries in which there is a possibility for the workers to use this machinery in the class struggle, they have, in the past, made effective use of it as a means of propaganda and of defense. In all countries where the conditions for a working-class revolution are not ripe, the same process must go on.

"Part II: 6. Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot.

"7. However, we do not ignore the value of voting, or of electing candidates to public office—so long as these are of assistance to the workers in their economic struggle. Political campaigns and the election of public officials provide opportunities for showing up capitalist democracy, educating the workers to a realization of their class position, and of demonstrating the necessity for the overthrow of the capitalist system. But it must be clearly emphasized that the chance of winning even advanced reforms of the present capitalist system at the polls is extremely remote; and even if it were possible, these reforms would not weaken the capitalist system.

"Part III: 1. In America, the capitalist class has never had a feudal aristocracy to combat, but has always been free to concentrate its power against the working class. This has resulted in the development of the American capitalist class wholly out of proportion to the corresponding development in other countries. By their absolute control of the agencies of publicity and education, the capitalists have gained a control over the political machinery which is impossible to break by resorting to this machinery."

"5. It is our duty as Communists to help this process, to hasten it, by supporting all efforts of the workers to create a centralized revolutionary industrial organization. It is our duty as Communists, who understand the class struggle, to point out to the workers that upon the workers alone depends their own emancipation and that it is impossible to accomplish this through capitalist political machinery, but only by the exercise of their united economic power."

"PROGRAM.

"1. We favor international alliance of the Communist Labor Party only with the Communist groups of other countries those which have affiliated with the Communist International."

"2. We are opposed to association with other groups not committed to the revolutionary class struggle."

"7. The party shall make the great industrial battles its major campaigns to show the value of the strike as a political weapon."

In addition to these should be noted the argument by counsel that the tactics of the Communist Party in Russia are the methods intended to be pursued by the Communist Labor Party of America, and that certain statements of prominent Communists relative to the objects of the Communist Labor Party should be taken as showing the intent of the party itself. The tactics of the Communist Party in Russia can have no bearing upon the Communist Labor Party in the United States except in so far as those tactics are accepted or adopted by the Communist Labor Party; nor can the statements made by prominent members of the party be accepted as the expressions of the organization unless the party by its own action adopts the statements.

The excerpts from the Communist Labor Party platform and program quoted above indicate an extremely radical objective, but there is nothing in them that discloses an intention to use force or violence or that is incompatible with the use of parliamentary machinery to attain the radical end it has in view. The belief in, teaching, and advocacy of the class struggle, mass action, the conquest of political power, the dictatorship of the proletariat, socialism, communism, the one big union, shop committees, shop stewards, and other social, industrial, economic and political changes mentioned in the Communist Labor Party platform and program, however reprehensible these things may be to the minds of any or all of our people, do not bring the organization within the purview of the act, as long as it does not propose to use force or violence to accomplish the purpose. If the American people are left free to discuss and decide the questions presenting themselves for consideration from day to day, uninfluenced by the threat of force or violence, they can be relied upon to protect themselves against any false philosophies, wild-eyed revolutions, or dictatorships of any kind.

The Communist Labor Party of America does not come within the scope of the act of October 16, 1918.

There being no evidence, other than membership in this party, to show that Carl Miller comes within any of the deportation provisions of the law, the warrant under which he is held is hereby canceled.

W. B. WILSON, *Secretary*.

The CHAIRMAN. I do not agree with the Secretary. The Communist Labor Party indorses the Third International. The Third International, in its manifesto calls for force and violence. It proposes to attempt revolution here and elsewhere. The Platform and Program of the Communist Labor Party is all printed in one sheet. It is one document. It speaks in one place "for the conquest of political power," but nearly every other paragraph belies that statement. The whole thing is just as bad as the Communist platform, and yet the Secretary says that aliens in the latter are deportable for membership while aliens in the other are not deportable.

I desire to call attention to the failure of the Secretary to quote the entire platform and program of the Communist Labor Party in his decision. For example, he omits the following:

3. This new working class government—the dictatorship of the proletariat—will reorganize society on the basis of Communism, and accomplish the transition from capitalism to the Communist Commonwealth.

Communist society is not like the present fraudulent capitalist democracy which, with all its pretensions to equality, is merely a disguise for the rule of the financial oligarchy—but it is a proletarian democracy, based on the control of industry and the state by the workers, who are thereby free to work out their own destiny. It does not mean capitalist institutions of government, which are controlled by the great financial and industrial interests, but organs of administration created and controlled by the masses themselves; such as, for example, the Soviets of Russia.

4. The dictatorship of the proletariat shall transfer private property in the means of production and distribution to the working-class government, to be administered by the workers themselves. It shall nationalize the great trusts and financial institutions. It shall abolish capitalist agricultural production.

If this be not an expression of belief in the necessity of force and violence for the accomplishment of political ends, I am unable to understand the English language. The Secretary omits the following:

3. We maintain that the class struggle is essentially a political struggle, that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchical or democratic republican, and to replace it by a governmental structure adapted to the Communist transformation.

Note the use of the word "conquer." The "proletariat" proposes to "conquer" the "capitalist state," and to establish the "dictatorship of the proletariat."

The Secretary takes note of the following:

The Communist Labor Party of America declares itself in complete accord with the principles of Communism, as laid down in the Manifesto of the Third International formed at Moscow.

Also this:

Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot.

But he refuses to recognize in such statements the threat of force and violence, the belief in forceful and violent means, which they undoubtedly imply. He says they "do not bring the organization within the purview of the act." He refuses to take notice of the causes of existing conditions in Russia; the means by which the present Russian situation has come to pass. He closes his eyes and

ears to the Communist Labor Party's desire to bring about a Russian-style revolution in the United States, that desire being set forth in its platform and program.

When the Communist Labor Party proposes, in its platform and program, to abolish "the present system of production," it necessarily implies that it will use such means as are available for the accomplishment of that purpose. When it says, "Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot" it must be understood as meaning that the use of the ballot for political ends is not a part of its purposes. If it does not propose to use the ballot "to achieve the social revolution," what other weapon does it propose to employ? There is but one, and that is force and violence. Camouflage it as you will; call it by any fancy name you please, such as "mass action," the "general strike," the "class struggle," or the "industrial battle," you can not escape the fact that nothing short of force and violence is proposed.

The Communist Labor Party purposes to create "an industrial Republic"; to replace the existing order by the "rule of the working class." It would "nationalize the great trusts and financial institutions" and "abolish capitalist agricultural production." These purposes necessarily imply confiscation—robbery—and robbery involves and includes the use of force and violence. In other words, the Communist Labor Party proposes to do forceful and violent deeds. Its platform and program flaunt the threat of them. Its every purpose includes and implies them just as the threat of murder includes and implies a threat of assault. Yet the words "force and violence" are not used, and because they are not used the Secretary of Labor says they are not meant. Hence he rules that the party is not amenable to existing law.

Unless there is objection, I will place the Communist Labor Party's complete platform and program in the record. It follows:

PLATFORM AND PROGRAM—COMMUNIST LABOR PARTY.

PLATFORM.

1. The Communist Labor Party of the United States of America declares itself in full harmony with the revolutionary working class parties of all countries and stands by the principles stated by the Third International formed at Moscow.
2. With them it thoroughly appreciates the complete development of capitalism into its present form of capitalist imperialism with its dictatorship of the capitalist class and its absolute suppression of the working class.
3. With them it also fully realizes the crying need for an immediate change in the social system; it realizes that the time for parleying and compromise has passed; and that now it is only the question whether all power remains in the hands of the capitalist or is taken by the working class.
4. The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalist rule, and the conquest of political power by the workers. The workers organized as the ruling class, shall, through their government make and enforce the laws; they shall own and control land, factories, mills, mines, transportation systems and financial institutions. All power to the workers.
5. The Communist Labor Party has as its ultimate aim: The abolition of the present system of production, in which the working class is mercilessly exploited, and the creation of an industrial republic wherein the machinery of production shall be socialized so as to guarantee to the workers the full social value of the product of their toil.

6. To this end we ask the workers to unite with the Communist Labor Party for the conquest of political power to establish a government adapted to the communist transformation.

PARTY AND LABOR PROGRAM.

Part I: The Communist Labor Party of America declares itself in complete accord with the principles of Communism, as laid down in the Manifesto of the Third International formed at Moscow.

In essence, these principles are as follows:

1. The present is the period of the dissolution and collapse of the whole system of world capitalism. Unless capitalism is replaced by the rule of the working class, world civilization will collapse.

2. The working class must organize and train itself for the capture of state power. This capture means the establishment of the new working class government machinery, in place of the state machinery of the capitalists.

3. This new working class government—the dictatorship of the proletariat—will reorganize society on the basis of Communism, and accomplish the transition from capitalism to the Communist Commonwealth.

Communist society is not like the present fraudulent capitalist democracy which, with all its pretensions to equality, is merely a disguise for the rule of the financial oligarchy—but it is a proletarian democracy, based on the control of industry and the state by the workers, who are thereby free to work out their own destiny. It does not mean capitalist institutions of government, which are controlled by the great financial and industrial interests, but organs of administration created and controlled by the masses themselves; such as, for example, the Soviets of Russia.

4. The dictatorship of the proletariat shall transfer private property in the means of production and distribution to the working-class government, to be administered by the workers themselves. It shall nationalize the great trusts and financial institutions. It shall abolish capitalist agricultural production.

5. The present world situation demands that the revolutionary working class movements of all countries shall closely unite.

6. The most important means of capturing state power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist state for this purpose is only secondary.

7. In those countries in which there is a possibility for the workers to use this machinery in the class struggle, they have, in the past, made effective use of it as a means of propaganda, and of defense. In all countries where the conditions for a working-class revolution are not ripe, the same process must go on.

8. We must rally all groups and proletarian organizations which have manifested and developed tendencies leading in the direction above indicated, and support and encourage the working class in every phase of its struggle against capitalism.

Part II: 1. The economic conditions in every country determine the form of organization and method of propaganda to be adopted. In order to efficiently to organize our movement here, we must clearly understand the political and economic structure of the United States.

2. Although the United States is called a political democracy there is no opportunity whatever for the working class through the regular political machinery to effectively oppose the will of the capitalist class.

3. The years of Socialist activity on the political field have brought no increase of power to the workers. Even the million votes piled up by the Socialist party in 1912 left the party without any proportionate representation. The Supreme Court, which is the only body in any government in the world with the power to review legislation passed by the popular representative assembly, would be able to obstruct the will of the working class even if Congress registered it, which it does not. The Constitution, framed by the capitalist class for the benefit of the capitalist class, can not be amended in the workers' interest, no matter how large a majority may desire it.

4. Although all the laws and institutions of government are framed and administered by the capitalists in their own interests, the capitalists themselves refuse to be bound by these laws or submit to these institutions whenever they conflict with these interests. The invasion of Russia, the raids into Mexico, the suppression of governments in Central America and the Caribbean, the innumerable wars against working class revolutions now being carried on—all these actions have been undertaken by the administration without asking the consent even of Congress. The appointment by the President of a Council of National Defense, the War Labor Board, and other extraconstitutional governing bodies, without the consent of Congress, is a direct violation of the fundamental law of republican government. The licensing by the

Department of Justice of antilabor strike-breaking groups of employers—such as the National Security League, the American Defense Society, the Knights of Liberty, the American Protective League, whose express purpose was the crushing of labor organization and all class activities of the workers, and who inaugurated in this country a reign of terror similar to that of the Black Hundreds in Russia—was entirely opposed to the principles of the American Government.

Moreover, the war and its aftermath have demonstrated that governing power does not reside in the regularly elected, or even the appointed officials and legislative bodies. In every State, county, and city in the Union, the so-called "police power" is shown to be superior to every law. In Minnesota, Wisconsin, and many other States, so-called public-safety commissions and similar organizations were constituted by authority of the governors, made up of representatives of chambers of commerce and employers' associations, which usurped the powers of legislatures and municipal administrations.

6. Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot.

7. However, we do not ignore the value of voting or of electing candidates to public office, so long as these are of assistance to the workers in their economic struggle. Political campaigns and the election of public officials provide opportunities for showing up capitalist democracy, educating the workers to a realization of their class position, and of demonstrating the necessity for the overthrow of the capitalist system. But it must be clearly emphasized that the chance of winning even advanced reforms of the present capitalist system at the polls is extremely remote; and even if it were possible these reforms would not weaken the capitalist system.

Part III: 1. In America, the capitalist class has never had a feudal aristocracy to combat, but has always been free to concentrate its power against the working class. This has resulted in the development of the American capitalist class wholly out of proportion to the corresponding development in other countries. By their absolute control of the agencies of publicity and education, the capitalists have gained a control over the political machinery which is impossible to break by resorting to this machinery.

2. Moreover, in America there is a highly developed labor movement. This makes it impossible to accomplish the overthrow of capitalism except through the agency of the organized workers.

Furthermore, there is in America a centralized economic organization of the capitalist class which is a unit in its battle with the working class, and which can be opposed only by a centralized economic organization of the workers.

3. The economic conditions of society, as Marx foretold, are pushing the workers toward forms of organization which are, by the very nature of things, forced into activity on the industrial field with a political aim—the overthrow of capitalism.

5. It is our duty as Communists to help this process, to hasten it by supporting all efforts of the workers to create a centralized revolutionary industrial organization. It is our duty as Communists, who understand the class struggle, to point out to the workers that upon the workers alone depends their own emancipation and that it is impossible to accomplish this through capitalist political machinery, but only by the exercises of their united economic power.

PROGRAM.

1. We favor international alliance of the Communist Labor Party only with the Communist groups of other countries those which have affiliated with the Communist International.

2. We are opposed to association with other groups not committed to the revolutionary class struggle.

3. We maintain that the class struggle is essentially a political struggle, that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchical or democratic republican, and to replace it by a governmental structure adapted to the Communist transformation.

4. Communist platforms, being based on the class struggle, and recognizing that this is the historical period of the Social Revolution, can contain only one demand. The establishment of the dictatorship of the proletariat.

5. We favor organized party activity and cooperation with class conscious industrial unions, in order to unify industrial and political class conscious propaganda and action. Locals and branches shall organize shop branches to conduct the Communist propaganda and organization in the shops and to encourage the workers to organize in One Big Union.

6. The party shall propagandize industrial unionism and industrial union organization, pointing out their revolutionary nature and possibilities.

7. The party shall make the great industrial battles its major campaigns, to show the value of the strike as a political weapon.

8. The party shall maintain strict control over all members elected to public office—not only the local organizations, but the national executive committee. All public officials who refuse to accept the decisions of the party shall be immediately expelled.

9. In order that the party shall be a centralized organization, capable of united action, no autonomous groups or federations independent of the will of the entire party shall be permitted.

10. All party papers and publications indorsed by the party; and all educational and propaganda institutions indorsed by the party, shall be owned and controlled by the regular party organization.

11. Party platforms, propaganda, dues, and methods of organization shall be standardized.

SPECIAL REPORT ON LABOR ORGANIZATION.

The purpose of the party is to create a unified revolutionary working-class movement in America.

The European war has speeded up social and industrial evolution to such a degree that capitalism throughout the world can no longer contain within itself the vast forces it has created. The end of the capitalist system is in sight. In Europe it is already tottering and crashing down, and the proletarian revolutions there show that the workers are at the same time becoming conscious of their power. The capitalists themselves admit that the collapse of European capitalism and the rise of the revolutionary working class abroad can not help but drag American capitalism into the all-embracing ruin.

In this crisis the American working class is faced an alternative. Either the workers will be unprepared, in which case they will be reduced to abject slavery, or they will be sufficiently conscious and sufficiently organized to save society by reconstructing it in accordance with the principles of communism.

II: 1. By the term "revolutionary industrial unionism" is meant the organization of the workers into unions by industries with a revolutionary aim and purpose; that is to say, a purpose not merely to defend or strengthen the status of the workers as wage earners, but to gain control of industry.

2. In any mention of revolutionary industrial unionism in this country, there must be recognized of the immense effect upon the American labor movement of the propaganda and example of the Industrial Workers of the World, whose long and valient struggles and heroic sacrifices in the class war have earned the respect and affection of all workers everywhere. We greet the revolutionary industrial proletariat of America, and pledge them our whole-hearted support and cooperation in their struggles against the capitalist class. Elsewhere in the organized-labor movement a new tendency has recently manifested itself, as illustrated by the Seattle and Winnipeg strikes, the one big union and shop committee movements in Canada and the West, and the numerous strikes all over the country of the rank and file, which are proceeding without the authority of the old reactionary trade-union officials, and even against their orders. This tendency, an impulse of the workers toward unity for common action across the lines of craft divisions, if carried to its logical conclusions, would inevitably lead to workers control of industry.

3. This revolt of the rank and file must not be allowed to end in the disorganization of the ranks of organized labor. We must help to keep the workers together, and through rank and file control of the unions, assist the process of uniting all workers in One Big Union.

4. With this purpose in view, the Communist Labor Party welcomes and supports, in whatever labor organization found, any tendency toward revolutionary industrial unionism. We urge all our members to join industrial unions. Where the job control of the reactionary craft unions compels them to become members of these craft unions, they shall also join an industrial organization, if one exists. In districts where there are no industrial unions, our members shall take steps to organize one.

III. To labor and labor alone is industry responsible. Without the power of labor, industry could not function. The need of the hour is that labor recognize the necessity of organizations and education. This can not be achieved by attempting to influence the leaders of the labor movement, as has been clearly shown by the actions of the recent convention of the American Federation of Labor. It can only be done by getting the workers on the job to come together and discuss the vital problems of industry.

3. Because of the industrial crisis created by the World War, together with the break down of industry following the cessation of hostilities, and the interruption of the processes of exchange and distribution, there is great dissatisfaction among the workers. But they can find no means of dealing with the situation. Their unions have refused to take any steps to meet the grave problems of to-day; and moreover they obstruct all efforts of the rank and file to find some way by which the workers can act.

4. We suggest that some plan of labor organization be inaugurated along the lines of the shop steward and shop committee movements. These committees can serve as a spur or check upon the officials of the unions; they will necessarily reflect the spirit and wishes of the rank and file, and will educate the workers on the job in preparation for the taking over of industry.

RECOMMENDATIONS.

We recommend the following measures:

1. That all locals shall elect committees on labor organization, composed so far as is possible of members of labor unions, whose functions shall be:

(a) To initiate, or support, the creation of shop committees in every industry in their district, the uniting of these committees in industrial councils, district councils, and the central council of all industries.

(b) To propagandize and assist in the combining of craft unions, by industries, in one big union.

(c) To bring together in the centers of party activity—locals and branches—delegates from factories and shops to discuss tactics and policies of conducting the class struggle.

(d) To propagandize directly among the workers on the job the principles of communism, and educate them to a realization of their class position.

(e) To find a common basis for the uniting of all existing economic and political organizations based on the class struggle.

(f) To mobilize all members who can serve as organizers to fill the demand for men and women who can organize bodies of workers along the lines indicated above.

(g) To direct the activities of local party organizations in assisting the workers whole-heartedly in their industrial battles, and making use of these battles as opportunities for educating the workers.

2. That a national committee on labor organization be elected by this convention, which shall cooperate with the local committees above mentioned. In addition, the national committee shall be charged with the task of mobilizing national support for strikes of national importance, and shall endeavor to give these a political character.

(a) It shall collect information concerning the revolutionary labor movement from the different sections of the country, and from other countries, and through a press service to labor and socialist papers, shall spread this information to all parts of the country.

(b) It shall mobilize on a national scale all members who can serve as propagandists and organizers, who can not only teach, but actually help to put into practice, the principles of revolutionary industrial unionism and communism.

The CHAIRMAN. I have handed to all members of the committee two documents issued recently by the State Department, in which the linking up of these organizations under the "Third or Communist International" for the purpose of world revolution. The State Department says:

The program of the Russian Communist Party is one of world revolution, and the Communist International is avowedly the directing and coordinating center of an international revolutionary movement to establish the "World Soviet Republic." It is impossible to differentiate as to world policy between the Russian Communist Party, the Third or Communist International, and the official Soviet administration, because of the system of "interlocking directorates" common to all three.

Now, then, I presume, under the two rulings of the Secretary of Labor, communist branches in the United States will quickly become communist labor organizations, and then alien members will not be deportable for their part in the general conspiracy.

FEEBLE-MINDED AND INSANE ALIENS.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Friday, May 7, 1920.

A subcommittee, called by Chairman Johnson, met at 10 a. m. The CHAIRMAN. We asked sometime ago for some records concerning the admission of certain feeble-minded and insane persons into the United States. Lately we asked Mr. Blackwood to secure a statement concerning these. Are you ready with them?

Mr. BLACKWOOD. I have brought copies of some records; also a list of cases. I understand there are many more. The case of Caterina Pace has attracted considerable attention.

IN RE CATERINA PACE—BUREAU FILE 54188/255.

The copies of portions of the bureau's file speak eloquently and need little comment. After the alien succeeded in marrying, a few weeks after her release on parole from Ellis Island, the bureau referred the matter, through the Ellis Island office, to the proper public prosecutor of the State of Connecticut, for the purpose of ascertaining whether or not it was the intention to prosecute the parties responsible for bringing about this marriage. A letter was then received from the prosecuting attorney at Waterbury, Conn., in which he stated that they had had an examination of the woman made by a competent Waterbury physician, who reported that in his opinion she was mentally sound and that there would be no prosecution. We have here the opinion of one physician against three competent surgeons of the United States Public Health Service, who constituted the medical board which passed upon the case of Caterina Pace upon her arrival at Ellis Island from Italy and who pronounced her feeble-minded. The department is bound absolutely by the decisions of the medical officers of the Public Health Service, who have all the experience and equipment necessary for reaching a decision in cases of mental defects.

The bureau attempted to keep in touch with Caterina Pace and secure further reports from her but without success, and accordingly on February 5, 1918, submitted a further memorandum to the Assistant Secretary, which he disapproved, recommending that Caterina Pace's parole be terminated and that she be brought to Ellis Island for detention until her deportation could take place.

On May 1, 1919, the Ellis Island office advised that deportations to Italy were again possible and suggested issuing a warrant of arrest for Caterina Pace. Again a memorandum was submitted by the bureau to the department recommending the issuance of a warrant of arrest, and this time approved by John W. Abercrombie, Acting Secretary. On May 7, 1919, a warrant issued for the alien on the grounds that she was feeble-minded at the time of entry, a person likely to become a public charge at time of such entry, and that she entered without inspection. The warrant was properly served and the record of hearing forwarded to the bureau with the result that upon review of the case the bureau in another memorandum to the department recommended the deportation of Caterina Pace to Italy. This memorandum is dated November 10, 1919.

Mr. Post reviewed the memorandum and pasted the following comments and direction on a slip of paper on the back of the bureau's memorandum:

The cruelty involved in deporting this alien for having been certified at the time of her arrival as being of feeble mind, but who is now clearly shown to be of normal mind, demands that she be not deported unless under all the circumstances of her case the law imperatively requires it. Cancel.

LOUIS F. POST,
Assistant Secretary.

NOVEMBER 15, 1919.

Thus ended the case, Mr. Post preferring to follow the opinion of a physician in Waterbury, Conn., to that of three competent officers of the Public Health Service. The memoranda read as follows:

MARCH 2, 1917.

No. 54188/255. Ellis Island Appeal.

In re Caterina Pace, aged 23, single, native and subject of Italy; arrived at Ellis Island on February 13, 1917, ex steamship *Giuseppe Verdi* (Italian registry).

Memorandum for the Assistant Secretary.

Your instructions of the 1st instant read as follows: "Place in custody of sister pending resumption of deportations on bond for care and surrender."

Before executing the foregoing instructions the bureau desires to respectfully invite your attention to the following facts and circumstances:

Alien was certified to be "feeble-minded," and unanimously excluded solely on the medical certificate without the right of appeal. According to alien's testimony, she has never attended school; her father is dead; and the mother is living in the home town in Italy. An alleged sister of alien appeared as a witness and made a good showing financially. Witness has submitted a petition for temporary admission of alien under a bond to be furnished by witness. On the 23d ultimo the bureau issued telegraphic instructions to stay deportation and forward record. On the 26th ultimo the bureau advised local counsel that alien's exclusion was mandatory under the law and that the service was without jurisdiction to take any action whatever in the matter. A paper purporting to be a form of public-charge bond has been submitted with affidavits vouching for the financial standing of the principal (alleged sister of alien). This alleged sister has also submitted an affidavit in which, while admitting that the alien may be very simple, she denies that alien has ever been feeble-minded; sets forth her financial condition; offers bond; and declares that there is a young man in Waterbury, Conn., engaged to marry alien and who will marry alien, if permitted to do so, the match being approved by the members of the family. One Vito Martinelli, of Waterbury, Conn., has submitted an affidavit in which he states that he is engaged to marry alien; that he expected to marry her on her arrival, and that she left Italy with that intention; that he knew alien in Italy but never knew that she was feeble-minded; that he arrived in this country from Italy in July, 1914. Note the solemn admission under oath of his betrothal to this feeble-minded alien. A statement of the local laws on this question will appear later.

Counsel admits that the medical certificate is conclusive as to the facts certified. He states that this is not the case of a young girl coming here to find work, but to marry. He says if she can be treated here and cured there is no danger from defective children. He requests landing under bond, one of the stipulations of which would provide, among other things, against the marriage of the alien. This proposition is in direct conflict with the declared intention of the fiancé to marry alien as soon as the opportunity presents itself. Such a bond would not be enforceable and being in restraint of marriage would be void on the grounds of public policy. Counsel's contention is that if alien is returned to Italy, there would be nothing to prevent her fiancé from going to Italy, marrying her there and bringing her into the United States as the "wife of an American citizen." The affidavit of the fiancé shows that he has not even as yet become a declarant. Neither has he resided continuously in this country for five years. Moreover, this matter will be called to the attention of the Bureau of Naturalization.

Mr. Francis P. Guilfoile, corporation counsel, Waterbury, Conn., in a letter to the department, vouches for the widowed sister of alien, and declares that alien "will be able to get immediate employment of a very good character in Waterbury." He further states that there is a young man, a boarder in the home of alien's sister, who is engaged to be married to alien and expects to marry her at once, if she is permitted

to remain in this country. He vouches for the fiancé and thinks there is no possibility of alien becoming a public charge in case she is permitted to go to Waterbury to live. This lawyer and public official is treading on dangerous grounds, unwittingly perhaps. Here is the law on the subject. Section 1354 of the General Statutes of Connecticut, page 302, provides as follows:

"Marriage of epileptics and imbeciles.—Every man and woman, either of whom is epileptic, imbecile, or feeble-minded, who shall intermarry, or live together as husband and wife, when the woman is under 45 years of age, shall be imprisoned not more than three years. But nothing herein contained shall be construed as affecting the mutual relations of any man and woman lawfully married on or before the 31st of July, 1895."

Section 1355:

"Procuring or aiding such marriage.—Every person who shall advise, aid, abet, cause, or assist in procuring the marriage of the persons described in section 1354, knowing them or either of them to be epileptic, imbecile, or feeble-minded, shall be fined not more than \$1,000 or imprisonment not more than five years, or both."

The foregoing is contained in the revision of 1902 and all the statutes of the Legislature of Connecticut in its biennial sessions from that date up to the time of the present session have been searched without finding any alteration in the terms of the sections above quoted.

The suggestion of counsel that if alien could be treated here and cured, there would be no danger of defective children is preposterous to say the least. Even a layman ought to know that a feeble-minded person can not be cured of that mental defect. Too much could not be said on the question of the irreparable injury that would be inflicted upon society by allowing a feeble-minded person to marry and thereby set out a strain of mental defectives in the offspring that might continue through generations to come. Our prisons, insane asylums, and eleemosynary institutions are filled with inmates who have had a bad heredity history. The hundreds of warrant cases coming before the bureau and department speak unequivocally on this point. The alienist and neurologist recognizes the fact. The files of the bureau are illuminating on this point.

The bond feature.—Alien belongs to the class whose exclusion is mandatory under the law, and not only is there no authority of law for her admission under bond but District Judge Hand (New York), in *United States v. Illinois Surety Co.*, decided that a bond taken in the case of a mentally afflicted alien (who could not be deported because of war conditions) was invalid because founded upon an illegal consideration, to wit, the landing in the United States of an alien belonging to the mandatorily excluded classes and not included in the class covered by section 26 giving the Secretary discretion to admit under bond. The Solicitor General states that the Department of Justice had reached the conclusion that an appeal from Judge Hand's decision would not be justified. The Acting Solicitor, in an opinion which was approved by you and forwarded to this bureau, reached the conclusion that "the practical effect of the decision of Judge Hand * * * is to render it impossible to draw up a form of bond that will allow the admission, either for temporary admission or for medical treatment, of aliens falling in the classes mentioned."

The bureau recommends that, as a matter of precaution and for the protection of society, this feeble-minded alien be held in detention at Ellis Island until she can be safely deported to Italy, with denial of the application for admission under bond, either temporarily or permanently for the purpose of enabling her to get married.

ALFRED HAMPTON,
Assistant Commissioner General.

Approved:

LOUIS F. POST, Assistant Secretary.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 6, 1917.

54188/255.

In re Caterina Pace.

Pending deportation place the alien in the custody of Mrs. Maria Ferraro, of Waterbury, Conn.

LOUIS F. POST, Assistant Secretary.

MR. PARKER: Please have telegram sent out at once—6-10. 30 a. m.
3-7-17.

A. H.

MARCH 7, 1917.

54188/255.

IMMIGRATION SERVICE,
Ellis Island, New York Harbor.

By direction Assistant Secretary parole Caterina Pace to her sister pending resumption of deportations.

HAMPTON.

Attest:

ALFRED HAMPTON,
Assistant Commissioner General.

UNITED STATES DEPARTMENT OF LABOR,
 IMMIGRATION SERVICE,
 OFFICE OF THE COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., April 28, 1917.
 COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

This is in reference to bureau telegram of March 7, 1917, No. 54188/255, which authorizes parole of Caterina Pace, a feeble-minded alien, to her sister, by direction of the Assistant Secretary, pending resumption of deportations. The sister came to Ellis Island on March 8 and executed an affidavit, in which she agreed to make reports as to the alien and produce her for deportation when called upon to do so. The afflicted alien was then released. On April 10 request was made by this office for a report, but no reply was received and I therefore detailed Interpreter Andreaccio to make an investigation in the case. I inclose his report, from which you will note that the alien was married on April 12 to one Vito Martinelli. This is another instance of the inadvisability of paroling girls or women of marriageable age who have been certified to be feeble-minded. It so happens in this instance the husband is not a citizen and the deceit practiced need not interfere with deportation when this becomes possible.

BYRON H. UHL, *Assistant Commissioner.*

I also prepared a list of a few of the cases of the class mentioned. This list reads as follows:

CASES OF FEEBLE-MINDED ALIENS RELEASED BY ASSISTANT SECRETARY.

54171/253. Feeble-minded woman paroled; got married and reported as about to become a mother.

54171/789. Feeble-minded woman paroled by Assistant Secretary without giving bureau opportunity to prepare memorandum or recommendation.

53999/304. Feeble-minded woman paroled and afterwards debauched by her uncle and others.

54171/658. Feeble-minded man paroled.

54171/710. Feeble-minded woman paroled. A peremptory order was issued to Ellis Island in last two mentioned cases.

54189/89, 54171/680, 54188/458, 54290/63. These four cases are of feeble-minded and insane women paroled by Assistant Secretary; two of them got married after parole; one of the ones getting married was insane.

54261/133. In this file there is a list of feeble-minded cases, an interesting bureau memorandum, and reply thereto by the Assistant Secretary.

54188/334. Feeble-minded man paroled by Assistant Secretary.

54188/422. Feeble-minded man paroled by Assistant Secretary.

54188/69. Feeble-minded woman paroled by Assistant Secretary.

54171/789. Feeble-minded woman paroled by Assistant Secretary; got married after in violation of New York State laws.

54171/788. Feeble-minded woman paroled by Assistant Secretary; got married and died leaving a baby.

54171/253. Feeble-minded woman paroled by Assistant Secretary; got married after parole.

54188/441. Feeble-minded woman paroled by Assistant Secretary.

53999/187. In this file is an interesting decision by Federal Judge Hand; also comments from Ellis Island.

54171/631. Feeble-minded woman paroled by Assistant Secretary; got married after parole to American citizen; violated State laws of New Jersey.

- 54290/52. Feeble-minded woman paroled by Assistant Secretary.
- 54188/335. Feeble-minded woman paroled by Assistant Secretary.
- 54171/790. Feeble-minded woman paroled and later married.
- 53999/442. Feeble-minded woman paroled and later married.
- 54050/320. Feeble-minded woman paroled and later married.
- 54188/332. Imbecile woman paroled and married after parole.

Many other similar cases appear in the files of the Bureau of Immigration.

There is set forth below a few other interesting cases identified by file numbers:

- 54192/38. White slaver ordered admitted by Assistant Secretary.
- 54346/412. Illiterate alien admitted by Assistant Secretary. (See also files 54346/802 and 54334/317.)
- 54790/33. Chinese woman admitted by Assistant Secretary contrary to provisions of law.
- 53947/18-B. Chinese allowed to remain in United States for a period of a year contrary to solicitor's opinion.
- 54290/213. Japanese without passport admitted to domicile by Assistant Secretary.
- 54674/14. Barred geographical zone case; conflict between bureau and Assistant Secretary regarding this case; alien ordered admitted.
- 54154/76. Warrant in case of contract laborer canceled by Assistant Secretary.
- 54766/387. Contains interesting argument and decision relative to illiterate alien; decision by Assistant Secretary in favor of alien.
- 54895/484. Sexually undeveloped and highly undesirable alien admitted by Assistant Secretary.
- 54254/78-78-A. Professional beggars at Ellis Island, ready for deportation, paroled to their attorney and lost sight of.
- 54192/38. White slaver, once convicted, admitted by Assistant Secretary.
- 54307/21. Illiterate alien admitted by Assistant Secretary.
- 54302/279. Illiterate alien admitted by Assistant Secretary.

The foregoing are only a few of the many similar cases appearing in the files of the Bureau of Immigration.

ALIENS RELEASED ON BONDS OF A SUM LESS THAN THE \$500 PROVIDED FOR BY LAW.

The CHAIRMAN. You were instructed to learn whether or not aliens were being released on bonds in sums less than that of the \$500 provided for in the immigration act. We will hear your report on this matter.

Mr. BLACKWOOD. There have been a number of aliens released on bonds in sums of less than \$500. I did not attempt to go into this matter very far, but will cite a couple of cases in point.

Bureau file No. 54670/186 is pertaining to the case of one Antonio Pellegrino, an Italian 53 years of age, who applied at the port of New York for admission to the United States, arriving at said port from Italy August 9, 1919. He was held for a board of special inquiry and his examination before said board took place August 13, 1919. During the hearing before said board it developed that the alien had lived in the United States some five years; had left the United States, going to Italy, in August, 1918; that he had a wife and five children ranging in ages from 9 to 27 years, all living in the United States; that he was absent from the United States a year, all of which time he spent in Italy; that he had never taken any steps to become a citizen of the United States prior to his departure therefrom. He was certified by the examining doctor as "being afflicted with senility and hernia right, which affects ability to earn a living." It was found that he could not read in any language and

could only write his own name. The board accordingly denied him admission to the United States as illiterate. An appeal was taken from the board's decision to the Department of Labor, which, after a considerable time, was dismissed by the Assistant Secretary on recommendation of the Commissioner General of Immigration; the Assistant Secretary, however, in dismissing said appeal attached the following worded memoranda:

On account of unusual and grave hardship of peremptory exclusion, admit for two years on \$100 bond of deposit.

LOUIS F. POST, *Assistant Secretary.*

The instructions contained in the foregoing memorandum of the Assistant Secretary were carried out and the alien released on deposit of the sum mentioned.

An interesting fact in connection with the foregoing case is that while the alien was inadmissible at the time he applied for admission, being illiterate, he will, at the end of the two years, be admissible in that he will then have reached the age of 55 and under the provisions of the act can be admitted to join his son even though he still is illiterate.

Bureau file No. 54666/15 is pertaining to the case of Rosario Terrisi, male, 54 years of age, Italian, applying for admission to the United States at the port of Boston, Mass., having arrived at that port August 16, 1919, and being held for a board of special inquiry, was examined by said board August 17, 1919. During the course of the examination it developed that he had made two previous trips to the United States and had lived therein for at least five years prior to his last departure, said departure being two years prior to his last application for admission to the United States; that he had a wife and five children living in the United States, the youngest child having been born in the United States, and then being 4 years of age. The board denied him admission to the United States on the grounds that he was illiterate and under 55 years of age; the case was reopened on order of the commissioner at Boston and another hearing granted him August 20, 1919; the board again denied him admission. His case was taken up to the department on appeal and the Commissioner General of Immigration recommended the excluding decision of the board be affirmed. The Assistant Secretary, in passing on the case, submitted the following worded memoranda:

Admit for one year under the rule on \$50 bond.

L. F. P., *Assistant Secretary.*

AUGUST 26, 1919.

Following the instructions of the Assistant Secretary as set forth in the foregoing memorandum, the alien was admitted for a period of one year on the deposit of \$50.

It is interesting to note that this case, like the case of Antonio Pellegrino, is one in which the alien will have reached the age of 55 before the time fixed for his temporary admission will have expired, and that he then will be of the admissible class under the act, even though he is still illiterate.

It might be added that in both of the cases just cited steps were taken to assess the steamship company bringing the aliens to the United States with fines for bringing illiterate aliens contrary to the provisions of the act.

COMMUNIST AND ANARCHIST CASES.

The CHAIRMAN. Mr. Blackwood have you anything more to report?
 Mr. BLACKWOOD. Only that since making my previous report I came across a couple of interesting communist cases and one anarchist case.

The CHAIRMAN. Let us hear of them.

CASE OF VALENTINE GRUNZWEIG.

Mr. BLACKWOOD. The case of Valentine Grunzweig, bureau file 54811/756, is one in which the alien was ordered deported as a member of the communist party, the Assistant Secretary, in compliance with a request from the alien's attorney, issued an order to stay deportation for 30 days. Before notice of stay was received by the field officer the alien had been transferred to New York for deportation. Upon learning this the Assistant Secretary issued orders to take the alien back to Buffalo and there to release him to his attorney and to stay all proceedings for 60 days. He does not attempt to explain why the Government should pay the expenses of the alien and an officer in returning him to Buffalo and probably at the end of 60 days incur the same expense in taking him again to New York. The order of the Assistant Secretary tells the whole tale. It reads as follows:

APRIL 22, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Valentine Grunzweig, No. 54811/756.

The hereunder telegram from the Buffalo attorney of this alien (dated Apr. 8) was received by the department on April 9. In order to ascertain the record acts before replying I sent to the bureau for this file. The file did not reach me until April 17, when I ordered stay for 30 days. It now appears that alien was removed to Ellis Island on the 11th. The object of stay was meritorious and could have been accomplished but for the delay indicated above. It is ordered that alien be returned to Buffalo and there paroled to his attorney for 60 days, proceedings to be stayed for that period. Prepare letter of explanation for alien's attorney.

LOUIS F. POST, *Assistant Secretary*.

CASE OF MORRIS KOROLKO.

The case of Morris Korolko, bureau file 54859/497, is that of an alien arrested as a member of the Communist Party. His case was reviewed and a memorandum summary of the testimony prepared and signed by the commissioner general with a recommendation for his deportation. The record came back to the bureau from the Assistant Secretary without the bureau memorandum, but with an order canceling the warrant. As a copy of the original bureau memorandum had been kept in the bureau I was able to secure a copy of same. It reads as follows:

APRIL 16, 1920.

In re Morris Korolko, alias M. Karalko, aged 32, native of Russia, single, literate landed at New York December, 1912, steamship unknown, released on bond.

Memorandum for the Assistant Secretary:

Warrant is dated January 8, 1920. Hearing was accorded at Chicago, Ill., February 13, 1920, alien being represented by counsel.

There was introduced in evidence Exhibit D, statement made by the alien to a special agent of the Department of Justice in January, 1920. In this statement alien admits that he became a member of the Socialist Party five years ago; that he became

a member of the Communist Party last fall when the split occurred; that he is now paying dues to the Communist Party; that he was secretary of Russian Branch No. 1 for the first half of the year 1920; that his branch has 150 members; that he was heartily in sympathy with the government of Trotsky and Lenin; that he attended the soviet school, and that it was necessary to be a member of the Communist Party in order to be allowed to become a pupil there; that radical literature shown him was his; and that he was in favor of mass action as advocated by the Communist Party.

The testimony adduced at the hearing is voluminous and is a complete denial of the statements made by him to a special agent of the Department of Justice. Royal N. Allen, special agent of the Department of Justice, called as a witness, stated that he conducted the examination, reported it, and transcribed the notes, and that the alien had made the statements as contained in the transcript. It is shown from the alien's testimony that his branch of the Socialist Party joined the left wing and later became a part of the Communist Party, automatically going over with a number of other branches in the Federation; that some time in October his branch was expelled from the Communist Party but that he himself was not expelled. Later on in the hearing he contradicts himself and states that he did not become a member of the Communist Party. On direct examination he admits that he is in favor of the soviet government in Russia; that he was in favor of the principles of the Russian Socialist Federation, one of the fundamental principles adopted being that "The Federation is satisfied with the platform of the Communist, the Bolshevik Party of Russia, and expects a better future and the principles of that party;" that he was in favor of all the governments of the world being made like the soviet government in Russia, under the dictatorship of the proletariat, including the United States, as the United States, as he put it, was a part of the world; that he had foreseen in 1919 that after the war the capitalistic system will be bankrupt and the entire world will have to adopt a cooperative movement in big unions like the brotherhood of railroad workers, miners, etc.; that his views were the same as those contained in the language of the constitution; that he believed, as stated in these fundamental principles, that the transition could be accomplished only through the aggravation of the class struggle between the workingmen and the capitalist; that he believed in mass action in order to better the condition of the workers; that he wanted the soviet government for the whole world, and that the soviet of workers should govern the entire world the same as in Russia and displace the capitalists.

The examining officer and the inspector in charge at Chicago forward the record without recommendation.

During the course of the hearing the alien was put on notice of the additional charges that he was an alien who believes in or advocates the overthrow by force or violence of the Government of the United States, and that he disbelieves in and is opposed to all organized government. In view of the alien's admissions it would appear that the additional charges as well as those contained in the warrant are sustained.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of the act of October 16, 1918, and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that he believes in or advocates the overthrow by force or violence of the Government of the United States; and that he disbelieves in or is opposed to all organized government.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Russia at Government expense.

(Original signed "A. CAMINETTI.")

COMMISSIONER GENERAL.

Deport:

(Unsigned.)

ASSISTANT SECRETARY.

Copied from copy of memorandum (original of which went to office of Assistant Secretary). T. J. M. And was registered after the commissioner signed it. April 24, 1920. Registered April 19, 1920.

NOTE.—Assistant Secretary's memorandum:

APRIL 22, 1920.

M. Karalko - 54859/297 (alleged communist).

The warrant is canceled.

LOUIS F. POST, *Assistant Secretary.*

NOTE.—Here follow in handwriting the words: "Signed memo went to Asst. Sec. 4-19-20."

CASE OF UDO RALL.

The case of Udo Rall, bureau file 54416/94, is that of a German who was interned during the war; a deportation proceeding was instituted on the ground that he was an anarchist. A memorandum of the Commissioner General of Immigration sets forth the evidence adduced at the hearing, fairly. The warrant was canceled by the Assistant Secretary. The memorandum mentioned reads as follows:

MARCH 29, 1920.

In re Udo Rall; single; age 25; native and subject of Germany; entered at New York ex S. S. *George Washington* on October 10, 1920.

Memorandum for the Acting Secretary:

The above-named alien was arrested at the War Prison Barracks, Fort Douglas, Utah, on the grounds that at the time of his entry into the United States he was an alien anarchist; that after his entry into the United States he has become (or continued to be) an alien anarchist; that he disbelieves in or is opposed to all organized government; and that he believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law.

Since entry this man appears to have spent the most of his time in California, and when interned in 1918 he was residing at San Diego, Calif. A number of sworn statements concerning this alien, which are made part of the record, were taken from persons residing in San Diego and other California cities.

Leo K. Stroebel, a substantial and patriotic citizen of Los Angeles, who forbade the alien and his brother to come to his home or hold any communication with his family, because of their anarchistic and free-love tendencies, states that in the course of argument on questions of a social nature had with Rall, the latter told him that he (Rall) was an anarchist and that, from conversations he had with him, he was given to understand that Rall did not believe in government of any kind; also that the alien had extremely radical ideas about politics and marriage relation, being a free-love advocate; and that to his knowledge Rall was a believer in the teachings of Emma Goldman. He further states that Rall told him that he thought people were foolish to submit to any form of government or to the officials acting thereunder. Mr. Stroebel says that in the course of a conversation with Rall he asked him directly if he (Rall) was an anarchist, and that the latter said "yes."

Attention is invited to the sworn statement of Adele M. Outcalt, who says that from 1915 until November, 1916, she employed Rall to teach in the Normal School at San Diego, of which she had charge, and that from her acquaintance with him she found he was a radical and a pacifist. She also stated that it was a revelation to her to know he had Goldman literature. In the course of her testimony she said she did not believe him to be an anarchist of the violent or destructive class, but that he was a "parlor anarchist." This is the type referred to by the bureau and department as philosophical anarchists. The witness further stated that, while she does not believe alien would do any harm, he certainly did entertain these views.

It was, of course, impossible to bring the persons who submitted the sworn statements filed in this case from California to Fort Douglas to attend the hearing. The alien is highly educated and intelligent and positively denies that he is an anarchist or believes in anarchistic principles. He admits having a large number of anarchistic books in his possession when arrested, among which may be mentioned: "Emma Goldman and the Police," "Psychology of Political Violence," "Europe War," "The Ethics of Murder," "Mother Earth," "Mother Earth Bulletin," "Shanghied into the European War," and "State Socialism and Anarchism." He admitted that he had had these books for a long time. Stated that in fact he had forgotten that he had some of them in his possession, and that many of them he had never read. When questioned as to Mr. Stroebel's sworn statement, he said that he felt convinced that such statements were made against him more as the result of personal animosity on Mr. Stroebel's part based upon unfounded jealousy because of Mr. Stroebel's wife. He says that he is sure that he never advocated or said that he believed in the abolition of government; that his interests in the theory of free love were absolutely hypothetical; that he never expressed any intention of practicing such; and that he never seriously stated to Mr. Stroebel that he was an anarchist. The Department of Justice has furnished the Bureau with a photostat copy of report by Lieut. Col. F. V. S. Chamberlain, to which particular attention is invited, who caused an investigation of the alien at San Diego prior to his internment. It will be seen from this report that Rall is anti-American and pro-German.

Briefly summing up the evidence in this case, the Bureau finds the statements under oath of at least three responsible witnesses to the effect that the alien is a philosophical anarchist and, as such, he is brought within the law. Not only is it shown that he is a philosophical anarchist but that he is anti-American, a conscientious objector against marriage and American conventions and laws and is altogether undesirable. One witness states that alien was a disbeliever in government of any kind, but it is not believed that this charge is sufficiently sustained to recommend taking action on it. The Bureau is of the opinion, however, that there is ample proof to establish the charge that the alien is an anarchist, although of the philosophical variety, and upon that ground his deportation to Germany at Government expense, when possible, is recommended.

A. CAMINETTI.
Commissioner General.

Deport.
Cancel.

LOUIS F. POST, *Assistant Secretary.*

APPENDIX A.

The CHAIRMAN. It might be well to insert at some point in these hearings a letter to W. H. Johnson, associate editor of the Review, New York, from Acting Secretary of Labor John W. Abercrombie. The letter has particular value in that it quotes the present laws pertaining to deportation of anarchists and refers to various court decisions in connection therewith.

(The letter referred to is as follows:

FEBRUARY 14, 1920.

MR. W. H. JOHNSON,
Associate Editor, The Review,
148 Nassau Street, New York, N. Y.

DEAR SIR: Adverting to your several letters addressed to the department with reference to an editorial article which appeared in the New Republic under date of December 24, 1919, which article took exception to the interpretation which the Bureau of Immigration and the lower Federal courts have placed upon the anarchy provisions of the immigration law and also commented upon certain specific cases, you are advised that an unprecedented press of work in the Bureau of Immigration, to which bureau your letters are referred for the drafting of a reply, is responsible for the delay which has occurred in furnishing you with the information which you seek.

The article in question seems to find particular fault with the construction which the Bureau of Immigration has placed upon the act of October 16, 1918, which construction includes within the deportable classes aliens referred to in the article as "philosophic" anarchists. In this connection, it seems pertinent to quote as follows from sections 1 and 2 of the act in question:

"SECTION 1. * * * Aliens who are anarchists; * * * aliens who disbelieve in or are opposed to all organized government; * * * shall be excluded from admission into the United States.

"SEC. 2. That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section 1 of this act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported * * *. The provisions of this act shall be applicable to the classes of aliens mentioned in this act irrespective of the time of their entry into the United States."

As the law itself makes no distinction between the philosophical anarchist and the anarchist who advocates resort to force and violence to accomplish his aims (abolition of the Government), the department, for reasons which must be obvious, is not justified in construing a distinction. It is, of course, its duty to enforce the law as it finds it, and not to fritter it away by administrative interpretation not justified by the language of the statute itself. As you are perhaps aware, the expression "aliens who are anarchists" has already been made the subject of judicial interpretation by the District Court for the Southern District of New York in the case of Frank R. Lopez (mentioned in the article) as follows (decisions subsequently affirmed by the Circuit Court of Appeals):

"The theory of anarchy and that of government must at all times be in conflict, and I can not believe that the philosophical anarchist, at least so far as his ultimate purpose is concerned, is any less dangerous than is the advocate of violence. Indeed, in a sense the insidious character of the teachings of the one is more to be feared than the teachings and activities of the other."

Assuming, as the department has assumed, that Congress intended that the word "anarchist" should be so construed as to include those aliens who advocate the abolition of government by peaceable measures, the constitutionality of such act would seem to find support in the following language quoted from the Supreme Court's decision in the case of *Turner v. Williams* (194 U. S., at page 294):

"If the word 'anarchists' should be interpreted as including aliens whose anarchistic views are professed as those of political philosophers innocent of evil intent, it would follow that Congress was of the opinion that the tendency of the general exploitation of such views is so dangerous to the public weal that aliens who hold and advocate them would be undesirable additions to our population, whether permanently or temporarily, whether many or few, and in the light of previous decisions, the act, even in this aspect, would not be unconstitutional, or as applicable to any alien who is opposed to all organized government."

It is true, as stated in the editorial, that the deportation of aliens from the United States has been made an administrative function, which is at present vested in the Department of Labor. Our immigration laws in this respect are not materially different from the immigration laws of various other countries. Repeated decisions of the Federal courts of this country (including the Supreme Court) have determined that Congress has the undoubted power to exclude aliens from the United States, to prescribe the terms and conditions on which they may come in, and to establish regulations for sending out of the country such aliens as have entered in violation of law and to commit the enforcement of such conditions and regulations to executive officers. These decisions have further determined that the deportation of an alien who is found to be here in violation of law is not a deprivation of liberty without due process of law, and that the provisions of the Constitution securing the right of trial by jury have no application (*Chae Chan Ping v. United States*, 130 U. S., 681; *Nishimura Ekiu v. United States*, 142 U. S., 551; *Fong Yue Ting v. United States*, 149 U. S., 698; *Lem Moon Sing v. United States*, 158 U. S., 538; *Wong Wing v. United States*, 163 U. S., 228; *Japanese immigrant case*, 189 U. S., 86; and *United States v. Sing Tuck*, 194 U. S., 161).

The foregoing comment will serve to answer paragraphs numbered (1) and (2) in your letter.

Referring to paragraph (3) of your letter, I beg to state that it is not the desire of the department to enter into any controversy in the press over the cases mentioned, by name, in the editorial, or over any other case or cases, as far as that is concerned. It seems to it to be sufficient to merely state that the records in question received the department's careful consideration when they were pending before it, and that the evidence submitted and adduced in each case satisfied it that the alien was properly a subject for deportation under the law.

With reference to the fourth paragraph of your letter, you are advised that the Bureau of Immigration does not have any extra copies of the records in the six cases which are commented upon in the article. I might add that it would be contrary to the established and general policy of the department to furnish them if it had. The need for establishing such a general policy will, I think, be apparent to you when it is stated that the records of this nature often contain confessions or admissions of a character which would prove embarrassing should they be permitted to come to the notice of third parties; and the department feels that, unless particularly persuasive reasons are shown to exist why they should be furnished to persons having no direct interest in them, it should not violate the confidence which the parties to the records reposed in the Government when they gave their evidence.

As requested in the fifth paragraph of your letter, there is inclosed herewith a copy of the immigration laws and regulations now in force. Your attention is particularly invited to the act of October 16, 1918, which you will find on page 31 of said pamphlet.

Respectfully,

JOHN W. ABERCROMBIE,
Acting Secretary.

The CHAIRMAN. Some light is thrown on the attitude of the department toward particular attorneys representing anarchist and communist deportation cases in the following memorandum from the law clerk of the bureau, W. J. Peters, to the Commissioner General of Immigration.

(The memorandum referred to is as follows:)

FEBRUARY 11, 1920.

Memorandum for the Commissioner General.

I beg to invite your attention to the editorial which appeared in the New Republic under date of December 24, 1919. The New Republic is, as I understand it, listed as a "radical" publication, unfriendly to everything which pertains to the existing form of government in the United States.

You will not need to read the article at any length to discover who furnished the information on which it was based, if he actually did not write it in toto. It has become the custom of this particular attorney (Mr. Recht) to "try his cases" in the radical papers published in New York City.

In this connection, you will note that Attorney Recht represented all six of the cases before the department—at least he represented the Lopez case before it and in the courts, and in the remaining five cases, mentioned by name in the article, his associate, Miss Weiss, appeared in the bureau on October 23, 1919, and asked, on behalf of Mr. Recht, as general counsel for the I. W. W., that she be permitted to review the records in these cases, notwithstanding they had already been decided in the department, and the aliens had apprised the examining inspectors that they did not wish to be represented by counsel in their hearings in deportation proceedings.

See, in this connection, your memorandum of October 23, addressed to the acting secretary (at marker). The bureau, by reason of its past experience with Mr. Recht, questioned his motive in asking the privilege of inspecting these records, notwithstanding which it was decided, after conference with the department, to permit Miss Weiss to review them in the bureau. This was done with the understanding that she would not make copies of any of the papers in the record, which understanding she was observed to be violating some time after they had been turned over to her.

I make the above comment merely to place before you another concrete illustration of the inadvisability of extending to Attorney Recht privileges that it has not been the practice to extend to other attorneys.

W. J. P.

(Noted with approval. C.)

The CHAIRMAN. The following letter from an attorney is also presented:

ROCHESTER, N. Y., May 2, 1920.

Hon. W. B. WILSON, *Secretary,*
Washington:

Matthew Dusevico, held under Labor Department warrant No. 54517-95, ordered for hearing before Immigration Inspector Isaac Martin, at Rochester, Monday, May 3.

Am informed he was first arrested for speech made November 24, 1918; that proceedings to be dropped in last part 1919, when warrant was issued, based upon affidavits made by employers' representative relating to Dusevico's part in the strike.

I am appearing in labor injunction suit on the question of public policy involved and not as attorney on retainer. A deportation hearing in Dusevico's case while the suit for an injunction involving a strike in which Dusevico took part is being tried; may be issued prejudicially to the latter suit and in consequence to the public interest involved in that suit.

Will it be possible to postpone Dusevico's hearing until pending labor litigation is concluded, within a few weeks, and can appropriate telegraphic instructions be sent to the immigration inspector?

I am not interested in the merits of the Dusevico case.

FELIX FRANKFURTER.

Post makes following notation:

Procure report from examining inspector as to prejudice in any to this case (No. 54517-95) if stay of hearing as requested and his judgment as to advisability of stay, with reasons.

Wire stay pending receipt of inspector's report in response to above and action thereon.

Wire Mr. Mr. Frankfurter of above action.

L. F. P.

MAY 3, 1920.

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APPENDIX B.

HISTORY OF THE L'ERA NUOVA GROUP OF ANARCHISTS AT PATERSON, N. J., INCLUDING ACTIVITIES OF CERTAIN LEADERS, OFFICIAL ORGANS, AND CONNECTION WITH THE FRANCESCO FERRER ASSOCIATION.

The CHAIRMAN. A historical sketch of L'Era Nuova group of anarchists of Paterson, N. J., may properly be made a part of these hearings. Numerous arrests for deportation have been made among members of this group. Arms and bombs have been seized recently. Efforts to secure deportation of these anarchist aliens are not meeting with much success.

(The paper referred to is as follows:)

HISTORICAL SKETCH OF L'ERA NUOVA GROUP.

Organized in Paterson, N. J., in 1898, by Gaetano Bresci, the assassin of King Humbert, of Italy, together with one Agresti and Estev and Grannotti. They founded and published the Italian anarchist newspaper *La Questione Sociale*, of which Estev, a Spanish anarchist, was editor and principal writer. Grannotti was the first treasurer of the group and accompanied Bresci from Paterson to Italy to make the assassination. The Italian Government has attempted for two years to locate Grannotti, who was known as "the blond." Bresci was a liberal contributor to *La Questione Sociale*. When the two disappeared in 1900, for the trip to Italy, none of the other members knew what their plans were or where they had gone, until news of the assassination arrived. In the same year Enrico Malatesta (see personal history below) came to Paterson to reorganize the Era Nuova Group. He became associated with Estev, editor of *La Questione Sociale*, and lived at the home of the latter 12 or 13 months. Malatesta made frequent editorial contributions to the paper, also went about to lecture to Italian colonists in various cities. Malatesta appears to have advocated more the "organization" rather than the "individualistic" terroristic theory. Immediately upon his return to Italy he became a member of the Chamber of Deputies and began organization activities to further the cause of anarchy. In 1901, at West Hoboken, Malatesta was shot by an individualist terrorist—one Pazzaglio—presumably because of the clash of the two theories. Shortly after this incident Malatesta returned to London, England, where he had many supporters.

Estev frequently lectured before Italian groups in other cities on the subject of anarchy. Ludovico Caminita was secretary of one of these groups—an Italian social club at Jessup, Pa., and in a debate there convinced Caminita that anarchism was a better theory than Socialism—and shortly thereafter, Estev influenced Caminita to come to Paterson to assist him in the group as a writer for *La Questione Sociale*.

In the summer of 1902 Galleane came to Paterson with one Grossman, a Jew; William McQueen, an English anarchist; and Emma Goldman. They became identified with the L'Era Nuova group and conducted the silk dyers' strike, which involved much disorder, violence, and bloodshed. All were indicted and McQueen and Galleane were found guilty of inciting to riot. McQueen died in the State prison. After the unsuccessful termination of the strike, a few of the members of the group—Gallo, Caminita, and Guabello, chiefly—kept the organization alive.

La Questione Sociale continued publication until sometime in 1907, when it was replaced by L'Era Nuova, which was published by Franz Widmer and Caminita, until 1917 when it was barred from the mails and the place raided, but without producing evidence sufficient for prosecution. Several attempts at revival were made without success, and Caminita sought employment as a clerk and subscription manager for La Pollia in New York City. He remained only a short time before seeking employment in the printing house of Nicolletti Bros., not far away.

During the war, several members of the group were arrested for the circulation of anti-draft posters.

When the bomb explosions of June 2, 1919, occurred, there was an explosion at the home of one Klotz, president of the Suanaha Silk Co., who was not connected with governmental activities in any way. The fact that at least two known members of the group had recently been discharged by the company on account of labor trouble, and characteristics of the explosion being similar to those at the homes of officials, furnished the lead upon which the most effective investigation of the nation-wide plot developed, although the investigation passed beyond the L'Era Nuova group

through the connections and associations of certain other members. Copies of the pink circular found in other cities directly connected with the plot also were found in the Paterson angle and are known to have been prepared and printed not by the L'Era Nuova group, but by associates of some of its members.

Within the L'Era Nuova group are men who are skilled mechanics, capable of making death-dealing devices, and there are members who would not hesitate. Each member donates \$5 per week to the "cause." Revolvers were taken from several members of the group.

On the book shelves of the library of the group are several works extolling the "virtues of Brecci as a martyr to the "cause."

La Jacquerie (printed in Italian). Official organ of the L'Era Nuova group of anarchists, whose headquarters is Paterson, N. J.

Successor to Il Boletino de L'Era Nuova, and printed by Caminita at Mazzotta's and later at Nicoletti's, where the last issue (January) was printed. Subscribers, about 300, although in a letter recovered and dated November 5, 1909, Caminita states 3,000 copies of the paper were printed at a printing cost of \$45, postage for issue No. 10 was \$28; cost of travel of three companions who went to mail it in other cities, \$5. When Era Nuova was discontinued, its editorial staff sent letters signed "The Editorial Group of the Era Nuova," to subscribers advising them La Jacquerie would succeed and that Caminita would receive the mail, etc.

It is understood the Amalgamated Clothing Workers of America support the paper.

After the paper was printed secretly, various members would meet and prepare the same for mailing, several of them then taking bundles to New York and other cities and depositing a few of the copies in numerous letter boxes. The same method had been followed in the mailing of Era Nuova.

Neither the editor's name nor the place of publication appears on the paper.

In the issue of September 13, 1919 (p. 2):

"Against monopoly and all the ills which follow from it there is only one remedy—the abolition of private property. Every other expedient, even if not silly and useless, is a dishonest subterfuge of which the politicians make use in order to deceive the proletarian masses."

In the same issue, Malatesta (see historical sketch above), writing from England on the subject "The Proletarian Dictatorship," says: "It seems to me that upon this question the opinion of anarchists could not be doubtful and in fact, before the Bolshevik revolution, was doubted by no one, anarchy signifies nongovernment and therefore with greater reason no dictatorship which is absolute government without control and without constitutional limitations." And, referring to the Bolsheviks, he continues "We respect their sincerity, we admire their energy, but, as we have never been in agreement with them on theoretical ground, we shall not be able to consolidate with them when they pass from theory to practice."

Page 3, columns 2 and 3, contain excerpts from the works of Michael Bakunin, under the heading "Our conception of revolution," of which the following is an example: "The means and the condition, if not the principal end of revolution, is the annihilation of the principle of authority in all its possible manifestations; it is the abolition, the complete and, if need be, violent destruction of the State, because the State, the younger brother of the church; as Proudhon has very well proved, is the historical consecration of all despotisms, of all privileges, the political reason for all economic and social enslavements, the very essence and center of every reaction."

In an article on "Race hatred" (page 3, cols. 3-4), and referring to the condition of Negroes, the following appears: "In the United States, this land of the free and the home of the brave, it is a crime to kill a dog but an honor to lynch a negro. * * * During the war, while the American negro soldiers were allowing themselves to be massacred at the French front in behalf of the triumph of democracy, their relatives were being murdered in their own houses by the democratic rabble."

In the issue for September 13, 1919 (p. 2, col. 2), referring to the action of a Federal court against certain Italians deported, an article continues: "We know by experience that no discussion can be held with tyrants. The only method of discussing with them is the open square and the only argument is behind the barricades."

In soliciting financial aid for a new paper—Umanita Nova, La Jacquerie publishes a letter from it (Milan, Italy) which gives in detail the aims of the new publication. The following are interesting excerpts (remembering that La Jacquerie is using them in soliciting money for the publication.)

"We are anarchists in the proper and general sense of the word. * * * No one, above all, could be an anarchist and think of imposing on others the form (of liberty) which appears better to him. * * * Then (meaning, therefore we advocate) abolition of capitalism, * * * abolition of the State, however camouflaged, with its judicial, military, and legislative organs. * * * And practically the day in

which the government will be overthrown will therefore have the material possibility: taking possession * * * on the part of the insurgent people of all existing wealth, houses, alimentary substances, and other articles of consumption, and equal distribution amongst all, proportionately to the needs and to the available quantities. Seizure on the part of the workers of the land, shops, the means of transportation, raw material, machinery, and other working tools; and an immediate organization of production and exchange by the cooperation of everyone to the advantage of everyone in the manner, always modifiable, and to render it perfect, as judged best by the interested ones. * * * Organized resistance against the possible attempts or reaction and restoration of the false régime. Opposition to every attempt of new governments, new oppressive and authoritative organizations."

It is interesting to note the above by comparison with the tactics of the manifesto of the Communist-anarchists as published by the Union of Russian Workmen of the United States and Canada. Umanito Nova is the more detailed and more extreme—especially when considering the Communists would have at least a semblance of authority in the local organizations, communes, or soviets—whereas the anarchists would permit absolutely no authority, according to their theory as expressed above by Bakunin. I agree with them here also that "no discussion can be held," for it would be interesting to find even one authority on the subject who can give some light on "what they would finally do with it after they got it." The point I desire to emphasize is that La Jacquerie is soliciting funds for the above propaganda in addition to disseminating it.

Emma Goldman is referred to as "our Emma." (P. 2, col. 1, issue Sept. 13, 1919.)

Under "The military service" the following appears: "The workingmen know of such duty, military duty means to them sacrifices of their strength and their blood for the defense of the stock exchange and the pockets of the capitalists, the very same ones who with the assistance of parliament (or Congress—the same on translation) have exploited, and do exploit the workingmen. And this stupid submission poses as a virtue! The law of compulsory military service is a shameless violation of the principle of individual liberty. * * * the workingmen of every country should unite and proclaim the whole world as their country and fight with all their strength for the abolition of borders and of nations which are divided under different banners."

An article entitled "The Bourgeois Ideal" (p. 3, col. 4, issue of Oct. 18, 1919) justifies the use of violence in the mass struggle. "But as soon as aspirations and contrary ideas begin to enter into the heads of the masses; from the moment that these millions of workers of industry and the soil, tired of their passiveness and not wishing to serve any longer as a pedestal for the liberty and civilization of the privileged minority, begin to claim for themselves their rights as humans and that they show themselves disposed to acquire those rights by violence if necessary—then this system of bourgeois liberalism crumbles to earth. Its humanity is transformed into rage. We have seen it in June, 1848, and we see it everywhere to-day; and its respect for the individual, its cult of liberty, give way to fierce suppression. The political liberalism of the bourgeoisie disappears and not finding in itself the means or the necessary power to suppress the masses sacrificed to the economic preservation of the bourgeoisie, it resorts to military dictatorship." (Taken from the works of Bakunin.)

In the issue for November 1, 1919 (p. 3, col. 2), the following appears in quotations from the work of Bakunin: "Abolish the State, which has no other mission but to protect private property, that is the spoliation of the collective labor of the popular masses by any privileged minority. Once the political States are abolished and the ancient system of organization of society by means of authority is rendered impossible, by what means can society be organized? By means of the free federation of local associations, no longer political, as they are to-day, but economical as they will be, no sooner have they freed themselves from all political rule in one great international association."

In the same issue, under the title "The syndicalists and the anarchists," the following appears:

"If there are any who, though partisans of class organizations, on revolutionary soil, antiprivate property and antiprivate state, can not decide between socialism and anarchy and prefer to call themselves syndicalists, let them do so. The dissent among them will not prevent us from fighting a useful battle with their aid, since we know that we agree with them in many things on the field of action."

Referring to a strike at Utica, N. Y., which involved clashes with the police, the issue of November 1, 1919 (p. 2, col. 2), continues:

"If the strikers could illuminate the earth with the torch of revolution! It would be a ghastly illumination, but it would be the last of its kind."

This is a direct appeal to the strikers for the destruction of law and order.

In its New Year greeting to the anarchists (Jan. 10, 1920), "Oh, assassins of the proletariat, to you, not the evil wishes, but the promise that in the not far future we shall entertain you on the barricades."

Enrico Malatesta (Errico Malatesta), leader in "terrorist-individualist" anarchy. Came from a royal Italian family and renounced all his interest in a large estate. Came to the United States in 1898 from Italy for the express purpose of propaganda. He found Paterson a very fertile field—Brecsi (the assassin of King Umberto) and his confederate Grannotti—both members of the Paterson anarchist group when the assassination was plotted—having indicated by their successful attempt that Paterson was the headquarters of a circle of real and willing terrorists. Through the offices of Malatesta, the L'Era Nuova group was definitely formed, always in small numbers and centering around him. Brecsi had been a member and Grannotti the treasurer of the same group prior to the arrival of Malatesta, and both of them were considered "graduates."

Malatesta was banished from Italy and lived in London for some time, returning to London from the United States and leaving as his chief representative Ludovico Caminita, with whom he was in constant communication. (Excerpts from published works of Malatesta follow.)

Volunta is an anarchist newspaper printed in Italy on funds secured and with material contributed by Malatesta. Copies of this paper have been found in the possession of L'Era Nuova members, as well as letters from Malatesta regarding funds for the same.

Ludovico Caminita, examined by Agent Stone, Newark, February 14, 1920. Born in Italy, 1879, and graduate of several Italian colleges. Has had first papers 12 years. Came to United States in 1902. (Photo and measurements in file.) Printer by trade. Ordered deported.

Worked for Mazzotta in preparation of reply to article of Carlo Tresca in La Folla. Admits he was editor of La Questione Social; that he has been an anarchist 12 years and was such while he was editor; that he helped to print La Jacquerie at Nicoletti's on Canal Street; that he printed the January (last number) issue of La Jacquerie at Mazzotta's. He is a member of the Francesco Ferrer Association and lectured there. Stated Franz Widmer was editor of Era Nuova. (See historical sketch on "Le Era Nuova group.")

Under cover operative knows that Caminita, in addition to printing La Jacquerie, also supervised the publication and wrote articles for the same. He was the party referred to in the letter to subscribers announcing discontinuance of the publication Era Nuova and the establishment of La Jacquerie as its successor.

Caminita almost from the start has been a moving spirit in the work. He is a fluent, vitriolic writer on anarchistic subjects and typifies in his work the teachings of Malatesta, whose chief representative in the United States he was after Malatesta returned to London, and the two were in constant communication.

Subject was author of an anarchistic pamphlet in Italian and entitled "The Free Country," from which the following is taken:

"A nation ruled by government, whatever may be the form of it, can not boast of true and absolute liberty.

"Does not the Declaration of Independence itself declare that the people have the right to overthrow the Government and to provide new systems for the security of the Commonwealth at any time it is not satisfied with current conditions? Is this in true and complete liberty of thought and action?" * * * "The United States are free on paper; in the practical things of everyday life they are, instead, the antithesis of liberty and equality. The Declaration of Independence and the Constitution are to-day anachronisms for the American people, which do not deserve the honor of a glance, still preserved in archives to furnish documents for the story that America once had men of great hearts and gigantic intellect. * * *

He refers to republican France as "that other wench from the boulevard."

Another phrase which appears is "the law and the idiots who believe in it."

Still another, "Americans who make idols of the laws."

"To live in the bowels of the earth, to grow fatigued, to challenge black death every day, every minute, every instant; and then, when desire is manifest, when a right is claimed, the law of the free country" [the title of the work] "is ready to seal you up from behind with a state of seige, a hedge of bayonets, a deluge of lead." * * *

"Oh, shame and disgrace of this Republic! The Government in silk hat and frock coat, as if in derision of the people who pretend to be free enough, does not wish to be behind any other Government in point of ferocity. Thus, after having imitated the Russia and its despotism in Colorado, it surpasses that by condemnations of class, which would make the worst Trepoff ever did turn pale."

He expresses condemnation of the actions of certain courts in "Free Love" cases and concludes the paragraph:

"This strumpet republic has a cheek of brass, and every reprimand; every insult, every lashing upon its filthy cheeks, can not produce in it any sign of a blush."

He refers to the suppression of *La Question Sociale*, his own newspaper (see historical sketch on L'Era Nuova group), and gives as one of the causes his reference to Czolgosz, the assassin of McKinley as a hero. He then goes into detail, quoting definitions of the word "hero" from various dictionaries and continues:

"Czolgosz, to speak with the psychiatrists themselves of the state, was of sound and balanced mind. He believed that the killing of McKinley was useful to the cause of humanity and accomplished the act himself, sacrificing himself spontaneously under the conviction of doing a good deed.

"Our adversaries, in as far as this may belong to the anarchical and individual acts, may disapprove of the regicide, but it can not be denied that Czolgosz, both in regard to his own courage and in regard to his own good faith in acting, was a hero."

Some of the instances, given as restrictions against liberty of speech, include refusal of the authorities to permit Berkman and Goldman to conduct certain meetings.

In the conclusion, the following appears:

"The United States is ruled by a Government which, in spite of having a splendid Declaration of Independence and one of the best Constitutions, is always a Government, that is to say, the systematic violation of men by men. Such a cause can produce only slavery and misery."

The paper concludes with a warning:

"There will be uncultivated minds, ingenuous souls, timid spirits, but the tamed lion hatches in his brain the plans for revenge. * * *

"This populace which to-day retreats at the sight of your bayonets, which lies down resignedly, terrified by your impious and odious threats, when it shall be in the last stage of desperation, when the cramp in its stomach shall have exasperated it, when the delirium of misery will have made it wild will know how to hurl itself blind with rage and revenge upon your bayonets and to pass, drunk with blood, victorious over your corpses. * * *

"On that fatal day the populace will succeed in rising up against this most dastardly social system, against this vile Government which is crushing us, against this most disgusting Republic.

"In the meantime may our voice enkindle the spirit of rebellion in the breasts of the helots of all the world, and may the sparks of that little fire which burns in our breasts overspread the whole proletarian world and kindle the great, gigantic, and destructive fire of social revolution."

Fermino Gallo, alias Frank Gallo, one of the original members of the L'Era Nuova group. Proprietor of the Modern Sociological Library. Conducts a store where all types of anarchistic and radical literature is sold. Is considered "the brains" of the anarchist propaganda, and through his *Socialistica Libreria* uses the mails to send propaganda to all parts of the United States. The print shop of Widmer is in the rear of this man's store, which is a casual meeting place of many anarchists, who purchase there anarchist publications of Italy, France, and the United States. Copies of the *New York Communist*, the *Freedom*, *American Anarchist*, *Federated Soviet Commune*, *Soviet Russia*, the *Revolutionary Age*, *Il Nuovo Proletario*, *Volunta*, and *le Reveil* are on sale and were purchased by operative. A pamphlet purchased there gives the address of a circle of anarchists known as the *Gruppo Autonomo*, East Boston, Mass., also *Cronaca Sovversiva*. Among other evidence found there was a receipt for dues paid into the Communist Party and application for membership in the I. W. W.

In a letter dated July 23, 1919, from Los Angeles, one "Fasano" tries to encourage the disheartened Gallo by referring to the excellent work of the latter in disseminating anarchist propaganda, and remarks, "I am sure that anarchists and sympathizers are more numerous now in America than in the time of Malatesta and Goni. Isn't that sufficient? Of course, according to our wishes this is not sufficient, and we wouldn't be satisfied even if a revolutionary movement would be spread over the whole world. Even then we wouldn't say 'Yes, but we are not in anarchy.'"

He corresponded with Luigi Fabbri in Italy, whose place was raided in connection with an attempt by D'Alba upon the life of King Victor Emmanuel.

Arrested during the war for distribution of antidraft literature.

Sent 100 liras to Genoa, Italy, in 1911, evidently as a contribution to an anarchist work. Referred to in a letter dated January 14, 1912, from one "Tomaso," at Genoa, to Grande. (Refer to "Umanita Nova.")

Serafino Grande, Italian alien, 34 years old; common-law wife and one child in Paterson. Active member of L'Era Nuova group, of the Francesco Ferro Association,

and the I. W. W., and was believed to be implicated in the bomb explosion at the home of his former employer in June, 1919. Also was a member of the shop committee which called on the employers during the strike at the mills.

Prosecuted in Italy for anarchist activities.

Eligio Strobino, an anarchist, wrote him from San Francisco, on August 4, 1917, requesting him to ask Guabelle "if he has any friend to whom I can trust for an affair."

Deportation warrant canceled April 13, 1920.

Franz Widmer, alias Francis Widmer, Italian alien, and one of the leaders of the anarchist group in Paterson. Admits he has been an anarchist for 20 years. Member of L'Era Nuova group, and for some time editor and publisher of the newspaper L'Era Nuova, which was suppressed. (See historical sketch above.) Has printed publications and circulars for the I. W. W., and paper of the same tint and texture as that used on the circular "Plain words"—found near the home of Attorney General Palmer after the bomb explosion there on June 2, 1919—was found in his printing shop, which is known as the New Era Press. Hundreds of copies of anarchistic books, pamphlets, etc., were found in the shop.

Ludovico Caminita, who does the printing, insists that the subject is the editor of La Jacquerie. (See that subject.)

Widmer's initials appear on an article entitled "The execution of a hyena," which appeared in the Social Question, with regard to the Frank Steunenberg, ex-governor of Idaho, by a dynamite bomb, at his home at Caldwell, Idaho, in 1906. The article states the newspaper account and proceeds:

"On our account we'll add a little history which, by itself, and better than anything else, will justify the energetical act of the unknown rebel who consummated the vengeance of the people on that hyena."

The history which follows, covers the action of the governor in sending troops to a strike, and the article concludes:

"The last reports add that the executed hyena survived only 25 minutes to the attack with which the people's vengeance has so rightly hit him. And those 25 minutes were too many.—F. W."

Warrant canceled April 13, 1920.

Benjamin Mazzotta, an old-time anarchist and member of L'Era Nuova group since 1899. Printer and proprietor of the shop in which La Jacquerie is printed.

John Ferraro, active member of L'Era Nuova group and engaged in propaganda for the I. W. W.

Castello Graziano, active member of L'Era Nuova group. Meetings are occasionally held at his home.

Cincotto Coppo, Italian alien, 44 years old; wife and children in Paterson. Active member L'Era Nuova group and subscriber to anarchist newspapers. Admitted former membership in I. W. W., but claims card found belongs to wife and daughter. Collector of funds and treasurer for L'Era Nuova group.

Pietro Baldisserotto, Italian alien, 34 years old; wife and child in Paterson. Member of both L'Era Nuova group and Francesco Ferrer Club. Skilled mechanic by trade. Deportation warrant canceled April 17, 1920.

Severno Espi, Spanish alien, 34 years old, single. Former member of I. W. W. Member of both L'Era Nuova group and Francesco Ferrer Association. Paid contributor to L'Era Nuova, from which he received 30 cents per 100 words.

Umberto Croce, Italian alien, 33 years old; wife and child in Paterson. Member of L'Era Nuova group and Francesco Ferrer Association; subscriber to anarchistic papers. Printer by trade and assists in the publication of La Jacquerie. Deportation warrant canceled April 26, 1920.

Alberto Guabello, an original member and one of the three active leaders of the L'Era Nuova group, since the unsuccessful attempts at terrorism during the 1902 silk dyers' strike, participated in by Emma Goldman and others. (See historical sketch of the group.) Italian organizer for I. W. W. Writes for La Jacquerie. Deportation warrant canceled April 10, 1920.

Andre Grazione, member of L'Era Nuova group and engaged in propaganda work for the I. W. W.

Taldi Coppo, active member of the L'Era Nuova group.

Salvatore Palmieri, Italian alien, 22 years old. Active member of both L'Era Nuova group and Francesco Ferrer Association, attending the school of the latter. No evidence other than membership.

Caesar Palmieri, Italian alien, 30 years old. Active member of L'Era Nuova group and attendant at meetings of Francesco Ferrer Association. No evidence other than membership and association with other members of the groups. Deportation warrant issued and canceled on March 26, 1920.

Pietro Marino, Italian alien, 27 years old, wife and child in Paterson. Member of L'Era Nuova and Francesco Ferrer Association. No additional evidence.

Paolo Guabello, Italian alien, 27 years old, married; wife and child in Paterson. Member of L'Era Nuova group and large quantity of anarchistic literature by Caminita and Propotkin found among his effects. Also propagandist for the I. W. W.

Spartaco Guabello, born at Paterson, N. J., 19 years old. Member and formerly secretary of Francesco Ferrer Association. Denies he is an anarchist. Fled to Mexico to evade military service and upon his return was indicted and served five months at Del Rio, Tex.

Francesco Pitea, Italian alien, 23 years old; single. Member of L'Era Nuova group and Francesco Ferrer Association. Denies he is an anarchist. Deportation warrant canceled April 9, 1920.

Jacques Pitea, Italian alien, 34 years old; common-law wife and child in Paterson. Brother of Tony and Frank Pitea, all being members of the Mutual Aid Society, which is a camouflage for an anarchist group in Paterson. Claims he is a Left Wing Socialist or Social Democrat and believes in such a government as exists in Germany at present. Known to be a member of L'Era Nuova group and claims the anarchistic literature found in his suitcase was purchased at a festival. Known by under-cover operative to be interested, with his brothers, in distribution of Volunta, Proletario, and Libretario. Deportation warrant canceled March 26, 1920.

Umanita Nova (New Humanity), anarchist daily newspaper published in Milan, Italy, by Errico Malatesta and others. Subscription blanks contain instructions to forward mail either to the Milan address or to Libreria Sociologica, Paterson, which is owned by Fermino Gallo. These subscription blanks were sent into practically every State in the Union and a number of them returned to Gallo. Lists of contributors to the fund for establishing the paper and found in the possession of Gallo, contain the names and amounts from 460 contributors in California, Illinois, New York, Connecticut, Pennsylvania, Ohio, Massachusetts, Kansas, Michigan, and several other States. One contributor in Jerome, Ariz., signs "The Executioner" instead of his name. Individual amounts range from 10 cents to \$7. Total known contributions sent to Gallo, \$355. Proceeds from many festivals, picnics, dances, etc., were sent direct to Milan, and do not appear on the Paterson lists; this information being procured from acknowledgments appearing in the first copy of the paper received. The first issue of Umanita Nova is dated February 27, 1920; and for some time an average of 10 copies a day arrived in Paterson alone.

Under the heading "Our propositions" the following appears:

"Abolition of capitalism with its system of production.

"Abolition of the State (every State) with its legislative, judicial, and military organs.

"Constitution of free communities (anarchist communities) voluntarily united in effective brotherhood and cooperation of all the people of the world.

"Seizure (by the workers) of the land, factories, medium of transportation, machines, and all other tools and organization of production and exchange.

"Organized resistance against the possible attempt of reaction and reestablishment of the overthrown régime.

"Opposition to any attempt at new governments, or authoritative and oppressive organizations."

La Folla (The Mob), bimonthly organ of the Italian Interstate Federation of New York, New Jersey, Pennsylvania, and Connecticut. The editor and business manager is G. Valenti, and the address of the publication 7 East Fifteenth Street, room 505, New York City.

This is the Italian paper which accused Ludovico Caminita of being a spy, which resulted in a bitter controversy. It is claimed the "exposure" of Caminita was caused by his attack on Carlo Tresca.

Francesco Ferrer Association, "philosophic" anarchist organization. Composed largely of the sons of members of the L'Era Nuova group, but also including members of that group. Most of the members are under 21 years of age. It is the purpose of the association to inculcate among the young Italians the principles of the L'Era Nuova group. The foundation of its teaching is anarchy. An educational committee arranges meetings and lectures by prominent members of the L'Era Nuova group and others, using the guise of education. In January, 1920, there were 37 paid-up members. I. W. W. influences have been at work in the attempts of one Blossom, organizing secretary for the I. W. W. at Paterson. However, the anarchistic theory does not agree, and effort is being made to force Blossom out of the association by certain radical members.

During the war the Ferrer Club maintained a strong antidraft propaganda through circulars and posters.

Ludovico Caminita (see *L'Era Nuova*) speaks every Friday night on the subject of anarchy. James Gallo, son of Fermino Gallo (see personal paragraph), is the leading spirit in the association and chairman of the "educational" committee.

On December 9, 1919, prior to the departure on the *Buford*, Emma Goldman and Alexander Berkman wrote a joint letter to the Young Men's Ferrer Club, the original having been recovered. It contains, in part, the following:

"We appeal to you most probably for the last time. * * * Friends, we have often in the past called upon you to support the great struggles for free speech, * * * and for numerous similar causes. Your response has always been fine—spirited and generous. Indeed it was your affection and cooperation that have been our greatest inspiration and support."

The Ferrer colony at Stelton, N. J., is an anarchist settlement established about three years ago and consisting of about 200 families as permanent settlers. In the summer the colony is increased to 300 by visiting radicals who commute to Philadelphia and New York. The colony is not incorporated, but their modern school is incorporated under the laws of the State of New Jersey, and attempts are being made to organize schools at Detroit, Buffalo, Cleveland, Pittsburgh, San Francisco, Erie, Pa., and Washington State.

They publish a monthly magazine called the *Modern School*, which magazine is devoted to libertarian ideas in education. The editor is Carl Zigrosser, and the circulation manager, E. W. Pratt. In the number for September, 1918, appears an article entitled "The Ferrer Modern School; Interpretation and Appraisal," by William Thurston Brown, from which the following is taken:

"The Ferrer modern school consists of a group of men and women with vision, who launched this school eight years ago in New York, and who, with still greater and surer vision, planted it here three years ago last May. * * * They saw about them a visionless school system; the public machine in charge of the system. They felt education to be the most precious thing life holds the possibility of. * * *

"Four years ago, where now Ferrer colony stands, there was nothing but an unusually ugly farmhouse, an uglier barn, and 140 acres of poorly cultivated land, with a stream of water that never runs dry winding its way in graceful curves through a part of it, fringed for most of its course with bushes and trees. It was on such a site that those men and women of vision and courage and idealism proposed to organize a school whose produce should be education. * * *

"The creation of a true school at Stelton depends upon the moral, intellectual, and spiritual development of Ferrer colony. The atmosphere of Ferrer colony can not be one thing, and that of the school a totally different thing. The one can not be sordid and the other fine, the one narrow and the other broad, the one trivial and the other earnest. Every member of Ferrer colony is as really a teacher in the school as if he were included in its staff.

"What has happened during these three years on this 140 acres of land? It is not much to say that nowhere in America has so remarkable a change been wrought in three years as here. Houses and shacks to the number of 51 have been built, and the population in summer must be not less than 200. About 20 families live in Ferrer colony the year through. * * *

"A dormitory housing 24 children in single beds has been built, its central room equipped with sanitary toilets, a bathroom and tub, washbasins for the children, and a shower bath. * * * September 1, on land belonging to the school, a swimming pool 120 by 60 will be dedicated. * * * Mistakes have been made, and much remains to be done before we can approach very closely to the fulfillment of our hopes. While we have in Ferrer colony the beginnings of a moral and spiritual atmosphere impossible in the average community, on account of its blindness and conservatism, more remains to be done in this direction and an æsthetic conscience has been conspicuous by its absence. * * * What of the school itself—its curriculum, its methods, its results? * * *

"It takes time to demonstrate results in education. Its proofs can be seen only in character, in personality, in the quality of manhood and womanhood, in the vital citizenship produced. Progress is also registered in the growing clearness of vision and conviction as to goal and methods in the minds of teachers. Mere members in the teaching staff do not signify. Passing examinations is no test. The evidence of progress is to be found in the minds and spirits of teachers quite as much as in the mind and spirit of pupils.

"Convincing demonstration of the value of our school has been made by the record of pupils who have gone from this school to high school. * * * Our two graduates who have just completed a year in high school could not have passed the entrance examinations. By an oversight they were admitted without examination. But one of them has been told she can finish high school in three years instead of four—no

doubt both can—and both have been unsurpassed in scholarship and unequalled in other and more significant ways.

"Who make the best citizens for America? Boys and girls who are mere echoes, parrots, who accept the conventional views of their teachers or of society at large, without question? Or boys and girls who show themselves capable of forming their own moral judgments, who see the defects as well as the excellencies of the political or social system in which they live, and who have courage to make known what they think? If not the latter, citizenship has neither meaning nor value. Measured by the above standard, graduates of the Ferrer Modern School belong in a class by themselves in any high school in America. They have at least the foundations of citizenship for a dynamic society—a social order that grows and outgrows. * * *

"WILLIAM THURSTON BROWN."

Brown is the director of the school and Joseph J. Cohen, acting director. The curriculum of the school is founded on the usual pedagogic system with the elimination therefrom of patriotic and religious concepts. In other words, the love of country or the doctrines of Christianity are not taught, being inconsistent with the principles of the so-called modern thought, which, stripped of its subtle definitions, is anarchy. In fact, the reasons for the establishment of this colony find root in the principles of anarchy, the predominant motive being the avoidance of all governmental (Federal, State, or municipal) control or direction, merely observing such forms as are expedient, the aim being to ultimately practice pure anarchy. The cult at present finds expression in but few of the anarchistic doctrines, viz, communism, although modified to the extent of the owners of the land owning and having legal title to the property; internationalism, national boundaries, and allegiance to any State being tabooed.

This latter phase finds expression in a uniform failure of any of the colonists to purchase Liberty bonds or war savings stamps, the failure on the part of all concerned to exhibit the American emblem, whereas a large red flag was prominently displayed from the water tank on the day Germany declared its first revolution at the Kiel Canal, which as is well known as a Sparticide movement, and the American flag, Liberty bonds, and other mediums of expression of patriotic sentiment have no part in their doctrines and the red flag being the color of blood symbolized mankind rather than any one country. Although free love is not practiced nor encouraged, and the children are not permitted to run about naked in the hot weather, their code provides for liberalism and respect for living and no insistence is made upon the marriage state; they believe it is no concern of theirs whether a man and woman are married so long as they conduct themselves properly.

As to religion, every person in the colony would worship God in his own way and accordingly the church is not recognized there. The colonists located at Stelton, each with a small farm raising produce and chickens only wants to be let alone to live their life in their own way basing the desire in the common law doctrine of all humans living so as not to interfere with the rights of others, and the others on their part not interfering with them.

APPENDIX C.

SUPPLEMENTAL LIST OF COMMUNIST PARTY DEPORTATION CASES.

The CHAIRMAN. For the information of the committee I shall insert in the record at this point a supplemental list of Communist Party deportation cases which have come to hand since our subcommittee hearing of two weeks ago. Some of these cases may have been listed in previous reports made by Mr. Blackwood. For the most part, though, they are new cases.

(The list referred to is as follows:)

Charles Lauer (Karoly Lauer), Detroit, Mich. Admitted to Special Agent Apelman, of Department of Justice, on night of his arrest that he was a member of the Communist Party. Alien denied that Hungarian Branch No. 10, of which he is a member, became a part of the Communist Party. Records of State office, Communist Party, show that a charter was issued to Hungarian Branch No. 10 on December 15, 1919. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 18, 1920.

Herbert Theodore (Feodor Drobct), Philadelphia, Pa. Admitted membership in Communist Party and belief in its principles. Was apprehended at a Communist Party meeting. Believes in "Free-love marriage." Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 18, 1920.

Izadore Milascusky, alias Jime Miller, Detroit, Mich. Denies membership in Communist Party, but admits membership in the Lithuanian Association of America and the Socialist Party, and that they are now called the Communist Party. Alien admitted being present at a meeting when they decided to change to the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

N. Ward, Minneapolis, Minn. Alien admitted signing, as secretary, application for charter in the Communist Party. However, at alien's preliminary examination before an agent of the Department of Justice he denied having signed this application for charter. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Aleksy Romanishtyn or Romanyshiny, Detroit, Mich. Admitted membership in Branch No. 3, Communist Party. Membership card bearing stamp of Communist Party shows dues paid to December 31. Has taken no steps toward acquiring citizenship in the United States. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 18.

Peter Artuchin, Detroit, Mich. Admitted membership in Russian Branch No. 3, Communist Party, and had paid dues to the party. Affirmed his belief in the principles of the Communist Party, and was arrested at a meeting of said party. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 18.

Osip Woloch, alias Joe Wallach, alias Joseph Zaloch, Buffalo, N. Y. Admitted having joined the Communist Party, but attempted to show that he joined that party to get dancing lessons. He admitted, however, that he never saw any dancing at the hall where he attended meetings. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 18.

Sergass Dridar, alias Sergay Dradar, Fort Wayne, Mich. In an affidavit, dated January 7, 1920, made before special agent of the Department of Justice, alien admitted membership in the Communist Party. At the formal hearing before immigration inspector alien repudiated these statements. The special agent and the notary before whom affidavit was made testified that same was made voluntarily by the alien, and that contents were fully explained to him. Local inspector recommended cancellation, however; inspector in charge at Detroit declined to concur, and recommended deportation. Commissioner General concurred. Warrant canceled March 18.

George Grike or Groki, Detroit, Mich. Admitted attending meetings of the Communist Party. Alien stated to agent of the Department of Justice, at a preliminary interrogation, "I am a member of the Lettish Branch Communist Party." Local inspector recommended cancellation, but inspector in charge at Detroit refused to concur and recommends deportation. Commissioner general concurs in recommending deportation. Warrant canceled March 18.

Jacob Domanowski, Detroit, Mich. Admitted being a member, in good standing, of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Petko or Peter Ganeff, Buffalo, N. Y. Testified that after his branch was expelled from the Socialist Party, in July, they organized into the Communist Party, and that in September his organization joined the National Communist Party. Was elected as delegate to represent the Bulgarian Branch of the Communist Party at its local headquarters. Had paid his dues into and considers himself a member, in good standing, of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Fiodor Demitrakoff or Theodore Demitrakoff, Buffalo, N. Y. Identified his original application for membership in the Communist Party. Admitted paying dues into and attending meetings of that party. Alien's name appears on official membership list of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Alexander Cottick, alias Alexander Kotek, Boston, Mass. Admitted that he was a member of the Communist Party and had been for six months. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Ewookim or Ewdoken Virych, Detroit, Mich. Admitted making affidavit before agent of the Department of Justice on January 25, 1920, stating that he became a member of the Communist Party in September and paid dues to December. When examined by counsel alien sought to repudiate statements made in the affidavit. Alien was arrested at a closed meeting of the Communist Party at the Communist headquarters. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Matfey or Martin Shatevich, Detroit, Mich. Membership record of the secretary of the Russian Branch No. 3 Communist Party shows alien's name. Alien also admitted orally to agent of the Department of Justice, after his preliminary examination on January 5, 1920, that he was a member of the Russian Branch No. 3 of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Anthony Jankowski, Detroit, Mich. Alien identifies and acknowledges statement made by him to agent of the Department of Justice, on January 6, 1920, but denies the correctness of this statement in the part wherein it states that he is a member of Branch No. 3 Communist Party. Evidence shows that he was fully acquainted with facts contained in this statement before its execution by him. He was arrested at a closed meeting of Branch No. 3 Communist Party. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 18.

John Stalmach, Detroit, Mich. Identified and acknowledged the statement made before agent of the Department of Justice on January 3, 1920 in which he admitted that he is a member of the Polish section of the Communist Party and that his membership card was at home. Membership book in the Polish section Communist Party contains the name of alien and shows that his dues were paid through December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 15.

Paul Falkowsky, Minneapolis, Minn. Admitted membership in Russian branch Communist Party and stated that he is a member in good standing. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Dobrowolky, Mike, alias Dobovolky, Detroit, Mich. Alien made statement before agent of the Department of Justice, in which he admitted that he joined the Communist Party about six months ago and that he has attended meetings of the organization about once a month since. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 17.

Scetaw or Stephen Shaskin, Buffalo, N. Y. Admitted joining the Communist Party and that the constitution, manifesto, and program of the Communist Party were read to him and that he subsequently attended the meetings of that organization. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 17.

Anton Mazur, Buffalo, N. Y. Denied being a member of the Communist Party, even after being shown his original application for membership in that organization; admitted receiving a membership card which he stated was the same as the membership card issued by the Communist Party; identified his original application for membership in the Communist Party and admitted that he had never resigned from that party. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 17.

Anton Felix Strok, alias Alma Strok, Milwaukee, Wis. Admitted membership in the Communist Party. Admitted that he subscribes to the teachings of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

John Hewes, Cleveland, Ohio. Admitted membership in the Communist Party; also admitted being previously the secretary of Ukrainian Branch No. 1 of the Communist Party. Admitted writing letter in which he referred to himself as a Ukrainian Communist and sending greetings to the Ukrainian Red Army and all Communist soviets. The letter concluded with the words "Long live Third Communist International: long live Socialist revolution." Admitted belief in the dictatorship of the proletariat. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Stiepan Ponko, Baltimore, Md. Alien's name appears on membership rolls of the Union of Russian Workers, Baltimore. Admitted having attended two meetings of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Jakov or Jakob Fesiuk, Baltimore, Md. Name appears on membership rolls of the Union of Russian Workers. Admits that he attended some of the meetings of the Union of Russian Workers; the last one on the Sunday prior to the day that he was taken into custody. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Simon Oleshko, Baltimore, Md. Alien's name appears on the membership roll of the Union of Russian Workers. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Elia Ratkowski, Chicago, Ill. Arrested while attending a meeting of the Union of Russian Workers. When examined by an agent of the Department of Justice, on

November 8, 1919, alien admitted that he formerly belonged to the Union of Russian Workers, but stated he left the organization about three months before. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Sebastian Fromherz, Cleveland, Ohio. Admits belief in "direct action and sabotage" and does not believe in any form of government. At hearing testimony of two witnesses showed that alien had admitted that he believed in the overthrow of this Government by violence and, if necessary, by force. Commissioner general recommended deportation. Warrant canceled March 17.

Jim (Demian) Lisuk, Detroit, Mich. Alien testified that he was "in favor of being a Communist" and that he attended meetings of that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Andrij Pulanacki, Detroit, Mich. Official records of the Communist Party show alien to be a member, in good standing, of that party, Oswiata Branch No. 8. Was arrested while attending an alleged school in the hall where the Communist Party conducts its meetings, in Chicago, Ill. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

John Mihalich, St. Louis, Mo. Testimony showed that the alien was a member of the local branch of the Communist Party and that he attended meetings of and paid dues into that party as late as last October. Nothing in the record to show that he ever withdrew from that organization. Inspector in charge at St. Louis recommends deportation. Commissioner general concurred. Warrant canceled March 18.

W. Kazulewski, alias Walter, Detroit, Mich. In a statement to agent of the Department of Justice, sworn to before a notary, alien stated he was sent as a delegate from the Oswiata Polish section of the Communist Party to a convention of the Michigan and Ohio branches of the Communist Party, held in Detroit, September 13 and 14, 1919. Testimony at hearing shows that alien spoke at three meetings, advocating a dictatorship of the proletariat and the overthrow of the Government of the United States. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Thomas Brugila, Des Moines, Iowa. The record establishes membership in the Communist Party; membership application made by secretary of Branch No. 160, upon authorization by alien. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Mrs. Louis or Rosa Berinhout, Jacksonville, Fla. Alien's name is on the financial book of the Jacksonville branch of the Communist Labor Party as a member of that organization. Admits that social meetings of that organization were held at her home but claims not to have been present at other meetings. Husband is a member of the Communist Labor Party and subject has expressed a willingness to be deported with him. Inspector in charge at Jacksonville recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Andrew Jankowy, Buffalo, N. Y. Admitted membership in the Communist Party. Stated that he had attended meetings conducted by that party and believed in its teachings. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Joseph Blaszcak, Buffalo, N. Y. Admitted membership in the Communist Party. Identified his original application for membership, as well as his temporary membership card in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Joseph Markevitz, Norwood, Mass. Alien testified that he is a member of the Communist Party. When asked if he believed in the principles of the Communist Party, he answered, "I don't know all the principles, but I believe in such as I understand." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

George Kreipovic, Kansas City, Mo. Alien name appears on the roster of the Communist Party and his dues paid up to January 1, 1920. Alien claims that he never attended any meetings of that party, except upon the occasion of his joining same. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Vid Simunjak, alias Silumgak, Detroit, Mich. Admitted joining Southern Slavic Branch No. 17 of the Socialist Party and going with that branch into the Communist Party. Stated that his membership card in Communist Party was in his trunk. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Tony Rodnisky or Robmisky, Detroit, Mich. Evidence contained in the record shows that he is a member of the Communist Party and was secretary of the Russian Branch No. 5. Was arrested at headquarters of the Communist Party. Local in-

spector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

John Shewick or Shewik, Detroit, Mich. Admitted membership in the Communist Party. Dues paid up to the end of 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Simon Kostuk, alias Semeon Kostuk, Seattle, Wash. Admitted membership in the Union of Russian Workers and that he believed in the principles of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Hristo Kokur, alias Harry Kocur, Buffalo, N. Y. Admitted membership in the Communist Party, admission being corroborated by original application for membership in that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Notation by the Assistant Secretary, as follows: "The unlawful Communist Party did not exist at the date of this alien's application for membership, namely, August 2, 1919. The membership application is not the one quoted in the Secretary's memo. in the Preis case and does not bring alien within the purview of the act of 1918, as interpreted by that memo. He appears to have done nothing since that application to identify him with the unlawful organization. (Signed:) L. J. P." March 13, 1920.

Stefan Kowalchuk or Kovalchuk, Detroit, Mich. Admitted membership in the Communist Party at Buffalo, N. Y. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

George Honzich, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Michial Piatko or M. Petchko, Buffalo, N. Y. Admitted membership in the Communist Party, admission being corroborated by original application for membership in that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Note by Assistant Secretary: "Communist Party did not exist at the time of the application, and there is no evidence to bring alien within the Secretary's decision in the Preis case."

Sam Karpenko, Courtland, N. Y. Admitted membership in the Communist Party and identified his membership card in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Efim Pavlenko, Courtland, N. Y. Denies having been issued a membership card in the Communist Party, but identifies his name on the original list of members of the Courtland branch of the Communist Party. Was arrested at Communist Party headquarters, New York. Commissioner general recommends deportation. Warrant canceled March 13.

Ivan Kebanuk, Courtland, N. Y. Denies that he is a member of the Communist Party. However, documentary evidence in the form of an original list of members of the Courtland branch of the Communist Party shows that he is, in fact, a member of that organization. Admits recently attending two meetings of the Communist Party at Courtland, N. Y. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John or Valerian Makovetzky, Courtland, N. Y. At first denied membership in the Communist Party but qualified later by testifying that he attended meetings of the Communist Party and paid his dues into the party the day he was arrested, thereby in substance admitting membership. Name appears on the original list of members of the Courtland branch of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joseph Samoff, alias Bolko, Detroit, Mich. Affidavit submitted by a special agent of the Department of Justice discloses that the alien admitted membership in the Union of Russian Workers, Cleveland branch. Also that alien admitted being a member of the committee of defense of the Union of Russian Workers, Detroit, Mich. Had in his possession several copies of the Manifesto of the Anarchists-Communists. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Sudack, Detroit, Mich. Admitted that he was a member in good standing in the Communist Party, with dues paid to date (Jan. 24, 1920). Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Steve Poleshuk, alias Stephen, St. Louis, Mo. Witness testified that he was a member of the Communist Party and knew subject to be a member of said party and that he had seen subject's membership card. Name appears on list of members

taken from the finance book of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Andrew Ecetay, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Max Sewuk, Cleveland, Ohio. Denies membership in the Communist Party. However, membership card was found in his room. In a statement to a special agent of the Department of Justice, on January 5, 1920, alien admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 15.

Mike Mihalowsky, or M. Michaelowsky, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original application for membership in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Leon Sulkowski, or Suiski, St. Louis, Mo. Alien claimed that the Polish section of the Socialist Party, of which he was a member, had never been properly affiliated with the Communist Party. Admitted, however, that in November last he had been notified that the Polish section of the Socialist Party had affiliated with the Communist Party. At the time of his arrest alien admitted to a special agent of the Department of Justice that he had organized a Polish branch of the Communist Party; that he was still a member and was in full accord with its program. Inspector in charge at St. Louis recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Akim Tischenko, or Okim Tischeukoo, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original application for membership in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joseph Majewski, Buffalo, N. Y. At first denied membership in Communist Party, but when confronted with a witness admitted that he had joined that organization while under the influence of liquor. Membership book of the Communist Party, together with application of alien for membership, show him to be a member of the organization. Demeanor of the alien at the hearing and the contradictory manner of his testifying are such as to discredit the denials made by him, in contradiction of the documents introduced in evidence showing membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Tadija Solar, Omaha, Nebr. Admitted that he and other members of his branch in the Socialist Party went over to the Communist Party in October, 1919, but claimed that his entire organization voted to drop connections with the Communist Party the end of October, 1919. Alien has been unable to offer any evidence in support of his claim. A membership card, which he identifies as his own, bears dues stamps issued by the Communist Party, shows that his dues had been paid to and including November, 1919. Inspector in charge at St. Louis recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Vladimir Danilovich, alias Beragumipar D'Amuroburo, Boston, Mass. There was introduced in the evidence a document in the handwriting of the alien and signed by him, which was a duplicate of an application to the Soviet Government Bureau, New York, for return to Russia. In this application the alien stated that he was a member of the Communist Party. Alien admitted to a special agent of the Department of Justice that he was a member of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Frank Senesy, alias Ferdinand Senese. In a signed statement for special agent of the Department of Justice dated January 22, 1920, he admitted membership in the Liebknecht branch of the Communist Party, Detroit, having become a charter member in October, 1919. Alien acknowledges the truth of the statements made therein and stated that he is the corresponding secretary of the branch of which he is a member. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 15.

Efim Wiskoff, alias Vickryl Evffle, alias Effir Wiskoob, Boston, Mass. Admitted membership in the Communist Party. Membership card showed his dues paid up to the 1st of January, 1920, introduced in evidence. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joe Berko, or Bozko, Rockford, Ill. Admitted membership in the Russian branch of the Communist Party at Rockford, Ill. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Wasył Ambroziak, Detroit, Mich. Identified and acknowledged a statement made before an agent of the Department of Justice on February 6, 1920, in which statement

he admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joseph Szmacka, alias Smythe, alias Schmidt, Detroit, Mich. Identified and acknowledged a statement made by him, before an agent of the Department of Justice, January 15, 1920, in which he admitted membership in the Oswiata branch, Polish section, Communist Party, and that his dues were paid to January, 1920. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Andrew Antczak, alias Ande Antczak, Detroit, Mich. Denied membership in the Communist Party. Admitted membership in the Socialist Party and later stated that when the Socialist Party went over into the Communist Party he retained his membership. In a signed statement, made before a special agent of the Department of Justice, he admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Stanislaw, or Stanislaw Putat, or Putha, or Putaj, Detroit, Mich. Identified and acknowledged the statement made by him to an agent of the Department of Justice on January 3, 1920, in which he admitted that he is a member of the Communist Party. Testified that his dues are paid to the 1st of January, 1920. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Ignaty Badyak, Detroit, Mich. Admits prior membership in the Union of Russian Workers, membership ending at the beginning of the year 1919. Denies present membership in any organization. Arrested at the "House of Masses." In a statement made to a special agent of the Department of Justice alien admits attending meetings of the Communist Party. In the hearing before immigration inspector alien manifested indifference in respect to remaining in the United States and stated that he believes in the Soviet principles of government. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Anton-Krznarich, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice alien admitted that he was a member of the Communist Party and that he had burned his membership card because he "got scared" on account of the arrests of Communists. Was arrested at the American Railway Express Co. office while in the act of receiving a large package containing the Croatian paper *Novi Zivot*, published by the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Elko Sedilo or J. Sedilo, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original membership card in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Krechnok, Detroit, Mich. Admitted joining the Communist Party in September, 1919, but claimed that he was a member for but one month. However, there is no evidence shown substantiating the statement that he withdrew from the party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Andro Malinowicz, alias Andrew Malinowycz, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original application for membership in that organization. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 13.

Jacob Hrikorash, Cortland, N. Y. Admitted membership in Communist Party and identified his membership card issued by that party. Was arrested at Communist Party headquarters, Cortland. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Ierente Lukshevieck, alias K. Lukshevieck, Rockford, Ill. Testimony conclusively shows that he is one of the class of aliens who does not believe in organized government. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 13.

John Yugovich, alias Siugovich, St. Louis, Mo. Admitted membership in the Communist Party. Also admitted that he had possessed a membership card in that organization but had lost same. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 13.

Nick Zailac, Detroit, Mich. Alien admitted that when the branch of the Socialist Party, of which he was a member, joined the Communist Party that we went into the Communist Party with them. Testified that his membership card in the Communist Party was somewhere at home. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Harry Marchuk, Detroit, Mich. Admitted being a member, in good standing, of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Kondriati Krukowicz, alias Kypkoitch Krukowicz, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Matree Tabiss, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Peter Borofski, Philadelphia, Pa. Admitted membership in the Communist Party and identified his membership card in same. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Horoschinia, Chicago, Ill. At a hearing before immigration inspector on November 20, 1919, he testified that he was formerly a member of the Union of Russian Workers, but that he left the organization about eight months ago. He was arrested, however, in the West Side Auditorium, where he was assisting in the sale of "Bread and Freedom," the official organ of the Federation of the Union of Russian Workers. Testimony shows that alien admitted to agents of the Department of Justice on November 7 that he was a member of the Union of Russian Workers. Commissioner general recommends deportation. Warrant canceled March 13.

Frank, or Feodor Kozavich, alias Kozakevich, Detroit, Mich. Admitted membership in Communist Party and that his dues were paid up to date, when arrested. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 11.

Archie Schealest, alias Archie Schelest, Philadelphia, Pa. Admitted membership in the Russian branch of the Communist Party. Also admitted having been arrested in Russia, when a student, for revolutionary activities. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Dusan, or Dan Basarich, Milwaukee, Wis. Admitted membership in the Communist Party and has been attending meetings thereof at least once each month, last meeting he attended being very shortly before his apprehension. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Kastontas Talzumas, alias John C. Miller, Boston, Mass. Was arrested while attending a meeting of the Communist Party. Had membership card in the Communist Party, indicating that his dues were paid up to December 20. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Gregory Pelik, Detroit, Mich. Was arrested at a meeting of the Communist Party at Communist Party headquarters at Detroit. An agent of the Department of Justice testified that this meeting was called for the purpose of discussing the arrest of other members of the Communist Party, two days preceding, and that it was a secret meeting and the word had been passed around that only members would be admitted. Department of Justice agent also testified that the alien admitted to him that he attended meetings of the Communist Party once or twice a month. Local inspector recommends deportation on the ground that alien, if not an actual member of the party, is closely affiliated with it. Commissioner general concurred. Warrant canceled March 22.

Julian Rudzinsky, Detroit, Mich. Admitted membership in the Russian Branch No. 3 of the Communist Party at the meeting place of which he was arrested. Original membership card in name of this alien was introduced in evidence. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

John Kiss, Detroit, Mich. In a sworn statement made by alien, before an agent of the Department of Justice on January 3, 1920, he admitted membership in the Communist Party, Hungarian Branch No. 13. Admitted that he was arrested at the place where Hungarian Branch No. 13 were holding a meeting. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Anthony or Anton Furman, Boston, Mass. Admits membership in and payment of dues to the Communist Party; admission corroborated by possession of membership card of the Socialist Party, containing dues, stamps of the Communist Party up to September, 1919, and a Communist Party membership card showing dues paid for the months of November and December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Edwin Lacher, or Lacquer, St. Louis, Mo. Admitted that he was a member of the eighth and ninth ward branch of the Socialist Party at the time the so-called left wing thereof, fused with the Communist Party. That he continued to be a member of that

branch, received and distributed literature in connection therewith, until December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Joe Caryn, alias Joseph Farris, alias Yusef Forys, Philadelphia, Pa. Two witnesses, detectives of the city police department, testified that alien had admitted to agent of the Department of Justice that he was a member of the Communist Party and had attended its meetings. Membership card in the Communist Party was found in alien's home. Card was not made out in the exact name of the alien, but he admitted to the agent of the Department of Justice that it was his property. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Theodor Nikituk, Seattle, Wash. Admitted membership in the Union of Russian Workers. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Alexander Gorski, Buffalo, N. Y. Identified his original application for membership in the Communist Party and admitted paying dues and attending meetings of that party; also identified application card for two other members of the Communist Party, which he admitted indorsing, which shows that he is an active member of that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

David Lichterman, Omaha, Nebr. Admitted membership in the Communist Party and admitted being a believer in the principles and tactics of that organization. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. March 22.

Julius Nesterov, alias Nesterov, Fresno, Calif. Alien identifies his application for membership in the Communist Labor Party. Also identifies his membership card in the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. March 22.

John B. Antopietro, Boston, Mass. Admitted membership in the Communist Labor Party; admission being corroborated by original application for membership in that party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. March 22.

Howaha Spiridon, Spiridon Hawaga, Philadelphia, Pa. Alien was shown a card announcing a special membership meeting of his local, Philadelphia, Communist Party and admitted that this was his property. Admits that he joined the party in November and paid three months' dues. Later admitted that his local was Russian Branch No. 1 Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Alexander Zazem or Hazem or Sazem, Philadelphia, Pa. Admitted that he was a member of the Russian Branch No. 1 of the Socialist Party and identified his membership card, to which is attached Communist Party stamp for dues. Admitted membership in the Communist Party and that he was treasurer of Russian Branch No. 1 of the Communist Party. Documentary evidence and other testimony show that alien is active in the affairs of his branch of the Communist Party and made contributions to that organization and that he was arrested while attending a meeting of the Communist Party on January 2, 1920. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Teranty Solovey, or Falazey, alias John Cenchock, Philadelphia, Pa. Admits membership in Communist Party. Membership card in that organization properly identified was introduced in evidence. Alien testified that since October, 1919, he has held the office of secretary in the Russian Branch of the Communist Party at Atlantic City, N. J. Stated that he is not altogether acquainted with the principles and tactics of the party, but that same are being taught to him; that he understands what is being taught and believes in the principles of the Communist Party. Has attended meetings regularly and believes in mass action. Local Inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Peter Salek, or Salich, Detroit, Mich. In a statement made before special agent of the Department of Justice, which was introduced in evidence, alien admitted that he was a member of the South Slavic Branch No. 17 of the Communist Party. Evidence showed that alien knew the Socialist Party, of which he was a member, became a part of the Communist Party and that he considers himself a member in

good standing at the present time and from what he knows is satisfied with the doctrines of communism. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Nick Tischenko, alias S. Tkach, Milwaukee, Wis. Admitted membership in the Communist Party. Stated that he desires the kind of government here that there is in Russia. Also stated that at the time of the split in the Socialist Party he went over with the Russian branch from that party into the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Frank P. Lichodziewski, alias Frank P. Peterson, Boston, Mass. Admitted membership in the Communist Party. States that he joined the Communist Party because all his friends joined. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

William Palk, Detroit, Mich. Claims that he never joined the Communist Party; that he belonged to the Socialist Party and did not know the Socialist Party had joined the Communist Party. However, application for membership in the Communist Party of one Tom Fox was introduced in evidence and one of the two indorsers of the application was the alien, subject of these proceedings. Alien finally admitted that this indorsement was signed by himself. Underneath the signature of the indorser on the application bears the words "application must be indorsed by two members in good standing." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Philip Borovik or Borowick, Philadelphia, Pa. Membership card in the Communist Party showed dues stamps for the months of October and November, 1919, had been introduced in evidence and alien acknowledged ownership of same. There was also found in the alien's possession ticket for a special membership meeting of the Communist Party, held January 7, 1920, which the alien admitted ownership of. Stated that he considered himself a member of the Communist Party but later modified that statement by saying he considered himself nearer the Socialist Party than the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

A. Lazaruk or Affanasij Lazaruk, Baltimore, Md. Stated that he was first a member of the Socialist Party but now is a member of the Communist Party. Has full cognizance of the change from one party to the other. Admits having Communist Party card. Dues in the Communist Party are paid up. Stated that he joined this party because his friends joined. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Stanley Karpowicz, Grand Rapids, Mich. In a statement before agent of the Department of Justice on January 2, 1920, alien testified that he was then a member of the Communist Party and identified charter issued by that organization to the Polish Branch No. 80, of which he had been a member three months. At hearing before immigration inspector alien admitted the truthfulness of that testimony and stated that he had been a charter member, attended meetings, and paid dues to Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Nick Torbiak, Indiana, Pa. Admitted membership in the Communist Party, Coal Run Local No. 59; admission is corroborated by original membership card in the Communist Party showing dues paid to November, 1919. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be stayed for three months and that the inspector in charge at Pittsburgh be instructed to report at end of that period. (Mar. 31.)

Joseph Grabowski, Detroit, Mich. Stated that he did not join the Communist Party, but that he had been a member of the Socialist Party. Admits that he was secretary of his local and attempted to resign in October, but that his resignation was not accepted, and that he finally did resign in December. Admits that he has attended business and mass meetings of his local since September. Also stated that he does not intend to give up his membership in the Communist Party, stating that he intends to remain a member. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be stayed three months and inspector in charge be instructed to report at the end of that time. (Mar. 31.)

Ignatz Sagan or Saganek, Detroit, Mich. Admitted previous membership in the Socialist Party, and in a statement on January 8, 1920, before an agent of the Department of Justice, alien admitted that he had been a member of the Socialist Party for a year, which party was then recognized as the Communist Party, of which he was a member. Admitted that his dues in the Communist Party were paid to January 1, 1920. Alien is indifferent as to whether or not he is deported. Local inspector rec-

ommends deportation. Commissioner General concurred. Assistant Secretary of Labor ordered that bail be reduced to \$1,000 and alien be released on bail at that sum. (Mar. 31.)

Peter Brkasic, Pittsburgh, Pa. Admitted that he was a member of the Communist Party and that he had paid dues. Membership card identified by alien as belonging to him showed that his dues were paid up to December 31, 1919. Alien claims that he severed his connection with that party; however, there is no evidence shown to substantiate that claim. Local inspector recommends deportation. Commissioner General concurred. Assistant Secretary of Labor ordered that proceedings be stayed for three months and that inspector in charge be instructed to report at the end of that period. (Mar. 31.)

Wladislaw or Franciszek Haberski, Buffalo, N. Y. Stated that he was induced to join the Communist Party by a friend and that he became a member on the 27th of November, 1919. Paid 50 cents dues. Stated that he attended a ball of the Communist Party on December 31, 1919, and was handed a membership card at that time. Admitted that at the time he was arrested he took his membership card out of his pocket and destroyed it because he was scared. Identified and acknowledged his torn membership card which was introduced in evidence. Local inspector recommends deportation. Commissioner General concurred. Assistant Secretary of Labor ordered that proceedings be suspended for eight months. (Mar. 23.)

Alexander Sokaluk, Camden, N. J. Admitted membership in the Communist Labor Party and identified his membership card in that organization. Stated that he had read the platform and program of that organization and believes in same. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. (Mar. 26.)

Lem Azipak, Philadelphia, Pa. Admitted membership in the Communist Labor Party, Russian branch, and that he attends meetings of that organization regularly. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. (Mar. 26.)

Wasili Laryncuk, Philadelphia, Pa. Admitted membership in the Communist Labor Party and identified his original membership card in that organization. Stated that he believes in the doctrines and teachings of the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. (Mar. 26.)

Lukas Kuchta, Detroit, Mich. Alien joined the Socialist Party and attended meetings while he was a member. Dues are paid up to August 1, 1919, and he last attended a meeting in May. Attended school at 46 Copeland Avenue, and paid \$1 a month. Attended three nights a week but does not know what party conducted the school. He knows that his branch joined the Communist Party but he attended no meetings or paid any dues since the change. Occasionally read Novy Mir and Glos Robotniczy. He knew the Communist Party was holding meetings at 46 Copeland Avenue. Attended a lecture of the Communist Party on November 28. Local inspector recommended deportation. Commissioner general concurred. Warrant canceled Mar. 26.

Carl Miller, Denver, Colo. Membership card showing membership in the Communist Labor Party, with dues paid up to January, 1920, was introduced in evidence. Admitted membership in the Communist Labor Party. Also admitted familiarity with the manifesto and program of the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor directed that the case be held, pending the decision of the Secretary of Labor upon the illegality of the Communist Labor Party. Also ordered that the alien be released on his own recognizance, if the Commissioner general of Immigration is satisfied he will appear when wanted for further proceedings. (Mar. 24.)

A. Radzwilowicz, alias Alfonso Radzwalowicz, Boston, Mass. Admitted membership in the Communist Party, by transfer of branch of the Socialist Party, to which he belonged, to the Communist Party. The alien voted for the transfer. It appears from the evidence that the alien has been active in the dissemination of Communist papers and propaganda. Local inspector recommends deportation. Commissioner general concurred.

Assistant Secretary of Labor ordered case reopened for new hearing as hearing in this case was six days after the Secretary of Labor's instructions to advise aliens, before examination, of their right to counsel prior to proceeding. Case to be reopened and alien to be informed of his right to counsel before being subjected to examination. (Mar. 26.)

Michelina Karpowicz (wife of Stanley Karpowicz, held under immigration warrant), Grand Rapids, Mich. Admitted membership in the Communist Party. Stated that she is a member in good standing; attended meetings of the organization; is acquainted with its doctrines and agrees with its teachings. Local inspector recommends deportation. Commissioner general concurred. Commissioner-General of Immigration recommended deportation in the case of her husband Stanley Karpowicz. Assistant Secretary of Labor ordered that proceedings be stayed "for further order". (Mar. 29.)

Dominick Korraco or Torracco, Ellis Island, N. Y. Admitted that he had been a member of the Communist Party for about two weeks and had received a membership card in the organization, which he had destroyed. Also admitted that he had been elected provisional secretary of his branch of the party and that he had acted as such at one meeting. Evidence showed that he had been elected a delegate to the convention of the Communist Party and was appointed a member of the State committee, representing the Italian branch. It was shown in the hearing that on October 29, 1919, alien addressed a communication to the State secretary of the Communist Party inquiring where the meetings of the Communist Party were to be held and that he signed himself in that communication "Yours for the class struggle" and as secretary of the Italian branch. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled, March 26.

Joseph Isakovich, alias Joco Isakovich, alias Andy Shiak, Youngstown, Ohio. Admitted membership in the Communist Party and that he joined three months ago. Also that he was in good standing at the time of his arrest. Membership card identified by alien as belonging to him showed his dues paid up to January 1, 1920, was introduced in evidence. Alien testified that he believes in the principles of the Communist Party and thinks from a general standpoint that the laboring classes should have a general party, such as the Communist Party represents itself to be. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be stayed and case reopened in six months. That alien be released on parole, if not already released on bond.

Sam Crane, Spokane, Wash. Alien is an attorney at law and conducted his own defense. Came to United States from Canada about 1903 and lived in this country the greater part of the time from 1903 until about 1917, when he enlisted in the British military forces and returned to Canada, prior to embarking for service overseas. Declared his intention to become a citizen of the United States in August, 1906, and one month later applied for admission to the bar in the State of Washington. Was later admitted and practiced law in the city of Spokane until 1917. In November, 1917, he was disbarred from the practice of law on the ground that when applying for admission to the bar he made an affidavit that he was a citizen of the United States. During his residence in United States, prior to 1917 and subsequent to his return thereto in 1918, alien has been frequently arrested on various charges, principally disorderly conduct and in most cases was convicted. On June 23, 1919, he was arrested in Seattle on the charge of criminal syndicalism, on July 2, 1919, was found guilty and appealed, the appeal apparently being still pending. The alien, meanwhile, was released on bail in the sum of \$2,800.

M. M. Anderson, a police officer, testified at the hearing, "that he was present when alien was being tried for criminal syndicalism and that taking the stand in his own behalf, alien, in answer to questions put by the prosecuting attorney, made a statement in regard to the revolution and when asked if he meant by ballot, testified that he did not; that he was foolish enough to do that at one time, but did not any more." Witness Anderson's testimony is corroborated by another police officer who was also a witness at the hearing. Local inspector recommends deportation. Commissioner general concurred on the ground that as charged in the warrant, alien was a person likely to become a public charge at the time of his entrance. This is in view of his police record during the time of his prior residence in the United States, the same condition prevailing following his last arrival in December, 1918. Assistant Secretary of Labor ordered that all charges in the warrant be canceled except that of the liability to become a public charge. That proceedings be suspended pending the decision of the State courts on the alien's appeal; that in the meanwhile he be released upon his own recognizance. (Mar. 27.)

Antoni Bielak, or Bielah, Detroit, Mich. Assumed a very defiant attitude during the course of the hearing and refused to answer some important questions. Identified his membership card in the Communist Party made out in his name. This card did not bear any stamps in the Communist Party. However, it is satisfactorily shown that alien is a member of the Communist Party by virtue of the issuance of a membership card to him and by his admission to this effect. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered

that the case be reopened for the introduction of an affirmative brief in support of a warrant as the "only evidence tending to show that this alien is a member of the Communist Party is a record of his examination by a special agent of the Department of Justice. It does not appear that the alien was advised of his right to counsel or warned that his statements might be used against him. The examination was in the nature of police office inquisition and is not valid evidence. In the absence of any other evidence against him the alien's refusal to answer questions at the lawful examination, under the warrant, does not count against him." (Mar. 29.)

Julia Alexandroff, Philadelphia, Pa. Admitted membership in the Communist Party and is familiar with the principles and tactics of that organization. The husband of this alien is also a subject of deportation proceedings. The local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be suspended for further order. (Mar. 27.)

Samuel Sklaroff, Philadelphia, Pa. Admits being a member of the Communist Party and being in sympathy with its aspirations. He claims he has attended but one meeting and denies having obtained a card of membership. Admits that his name appears on the membership rolls of the organization, and that he, as secretary of the Left Wing of the Socialist Party, applied at the national committee of the Communist Party for a charter. Admitted that there was a general revolutionary demonstration planned for May 1 last year, and that he made a statement that when the proper time came to overthrow the existing order of affairs he would be with the leaders, but states that his ideas have undergone a change since the statement was made. Stated that the Socialist branch, to which he belonged, reorganized under the name of the Communist Party; that he was not in accord with its principles and immediately withdrew from its active work, and finally gave up his membership, after having been with the organization for about one month, up to October 1. Admitted, however, that he last attended a meeting on December 11, and on Sunday, November 9, addressed a meeting on the importance of education. There was introduced in evidence copy of a letter dated September 24, 1919, addressed to the twentieth ward branch and issued from the Communist Party headquarters, 1330 Arch Street, Philadelphia, signed "Yours for Communism, the headquarters committee, per Samuel Sklaroff, general secretary." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Dominokas Krasnauskas, Chicago, Ill. Admitted membership in the Communist Party. Denied, however, all knowledge of the principles and tactics of that organization. Failed to introduce any evidence to support this latter assertion. Commissioner general recommended deportation. Warrant canceled March 30.

Sam Tymoczpo, alias Tymoczko, Detroit, Mich. Denied membership in, or affiliation with any organization described in the warrant of arrest. However, in a sworn statement made before a special agent of the Department of Justice, on January 4, 1920, he admitted membership in the Socialist Ukrainian Branch No. 22 of the Communist Party, that statement being substantiated by the records of that organization which show that alien paid dues up to and including the month of October, 1919, in the Ukrainian Branch No. 22 of the Communist Party. Inspector in charge at Detroit recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Bronislaw Cias, alias Barney Cias, Milwaukee, Wis. Evidence shows that alien was a member of the Socialist Party and went over with his branch into the Communist Party, being secretary of the branch at that time and continued in his position in the Communist Party. Alien's testimony shows that he attended meeting and officiated as secretary up to and including the month of December, 1919. Admits reading the literature of the Communist Party and appears to be familiar with its principles. Admitted that he took subscriptions for Glos Robotniczy. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Cesare Anzillotti, Chicago, Ill. Admitted joining the Italian Branch, West Side, of the Communist Party last September and identified the membership list of that organization, showing his name as a member thereof. Also admitted paying dues into the above-mentioned organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Anton Luksha or Lubsha, Chicago, Ill. In answer to the question, "Are you a Communist?" alien answered, "I am; the party, the branch of the party went over to the Communist and I am a member now." Alien also states that his branch of the Socialist Party adopted the principles of and became a branch of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

John Bunyk, Grand Rapids, Mich. Alien testified that he had joined the Socialist Party about eight months ago; that the organization took out a charter in the Com-

munist Party, October 17, 1919; that he had attended the meetings every Sunday and was in its hall the night of the arrest; that he was opposed to all forms of government and believed in the overthrow of imperialistic-capitalistic governments. Alien later tried to deny his former statements, but his testimony was of such a contradictory nature as to give the impression of untruthfulness. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Sergis Heponich, Boston, Mass. Alien states that the branch of the Socialist Party, of which he is a member, voted unanimously to become a part of the Communist Party and that he thoroughly understands the change from one party to the other. Aliens membership in the branch, after the change to the Communist Party, is shown by his membership card, which shows that he paid dues to Communist Party for the months of September, October and November, 1919. Admits attending membership meetings. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Czestaw, or Chester, Dumanski, Buffalo, N. Y. Admitted signing an application for membership in Communist Party and joining it about October, 1919, at which time he paid one month's dues. Also admitted receiving membership card in that organization, which card was taken from him by the police. Admitted attending meetings in Communist Party and has indorsed applications of others for membership. Also had been elected a delegate from his branch to the central body of that party. Subsequent to the initial formal hearing by the immigration authorities he tendered a written resignation to the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

John Awot, Detroit, Mich. Admitted being a member of the Lettish branch of the Socialist Party from 1905 to December 31 last, when he applied for membership in the Communist Party. Admits that the Lettish branch of the Socialist Party went over automatically into the Communist Party during September last. Admits belief in the Communist International as an ideal system of government. Admitted he was assistant financial secretary for the Wayne County local Communist Party. Commissioner general recommended deportation. Warrant canceled March 12.

Bronislau Kulik, Detroit, Mich. Denies membership in the Communist Party, stating that he had been a member of the Socialist Party but withdrew from this party before it went over into the Communist Party, as he does not understand its principles. Did admit, however, soliciting subscriptions for the official organ of the Communist Party, Glos Robotniczy. Membership book in the Communist Party shows alien to be assistant financial secretary of Branch Potega Communist Party. His signature is shown to be on the disbursement sheets. Alien later admitted being a member of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Daniel Harbuz, D. Garcus, Butler, Pa. Admits membership in the Communist Party, Russian branch, Lyndora, Pa. That he paid dues to that party for the months from September to December, inclusive. Alien became a member of the Communist Party when his local of the Russian federation went over to that party. Testimony shows that he is familiar with the principles of the Communist Party, and he admits reading Russian books on the progress of Communism and Bolshevism. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

John Pierehowon, Detroit, Mich. Admitted membership in the Communist Party Russian Branch No. 2 and that he believed in the principles and doctrines of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Gregory Ewachow, alias Harry Ewachiev, Buffalo, N. Y. Denies membership in the Communist Party or that he has ever paid dues into that party. However, he testified that he was elected as a delegate to the Communist Party headquarters. Original application for membership was introduced in evidence. However, alien denied ownership of same on the ground that he did not personally sign it, although admitting that the information recorded on the card is correct. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Osif Generaloff, alias General, Seattle, Wash. Admits that he joined the Union of Russian Workers six or seven months prior to January 21, 1920. Admits that he paid 50 cents for two months' dues at that time, however; denies to have attended meetings for the last four months, prior to the hearing on January 21. Claims to have withdrawn from the organization. Local inspector recommends deportation. Commissioner general concurred on the ground that no sufficient evidence being shown that his membership had ceased at the time of the issuance of the warrant. Warrant canceled March 25.

Joe Lynch, alias Joseph Lecznar, Pittsburgh, Pa. Denied membership in the Communist Party or any other party. However, testified that he attended meetings of the Communist Party and held a membership card; that he lived at a boarding house where active members of the party stopped and went with them to the meetings; that they took his name and gave him the membership card. The secretary of the Vestaburg local of the Communist Party testified, before an agent of the Department of Justice, that the alien had paid dues to him at one time. An agent of the Department of Justice testified that alien admitted to him that he was a member of the Communist Party and that he produced his membership card. Local inspector recommends cancellation. Commissioner general recommended deportation. Warrant canceled March 26.

Kazimer Kalaparski, alias Kazimierz Kalafarski, Buffalo, N. Y. In a sworn statement made to a special agent of the Department of Justice, on January 3, 1920, alien admitted signing an application in the Communist Party; that he joined the Communist Party in September, 1919, and had attended three meetings. Also that he has paid dues. An official list of members in Communist Party at Depew, N. Y., contains an entry showing that alien is an organizer in the party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Frank Berko, Rockford, Ill. Admitted membership in the Communist Party, having joined the party about two months prior to the hearing. Was shown a membership card in the Communist Party and admitted that he had been given a similar one but had thrown it away. Alien maintained that he does not believe in the principles and doctrines of the Communist Party but joined same under the apprehension that it was a benevolent society and not a political party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

T. Celepola, or Thomasz Cielepola, Buffalo, N. Y. Admitted that he became a member of the Communist Party in October, 1919, on application made by him. That he paid dues and attended at least one meeting of the party. His name appears on membership list of Branch No. 43 Communist Party, Depew, N. Y., in his own handwriting. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Michael Gal, Detroit, Mich. Admits that he joined the Socialist Party in February, 1919. Claims that he has not been a member of the local of that party since November. States that his dues were paid up to the latter part of October and admits that he was a member up to that time. A membership card in Socialist Party, in the name of the alien, was introduced in evidence, which card showed that dues in the Communist Party had been paid for the month of November, 1919. A receipt book for the publication Elore, official organ of the Hungarian branch of the Communist Party, was found in the possession of the alien. Alien stated, in this connection, that though he did not solicit subscriptions, he did assist the solicitor of the paper by collecting payments and that he received 20 per cent of the subscription money as commission. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Joseph Freliga, Detroit, Mich. Admitted that he had been a member in the Polish section, Socialist Party, for one year with dues paid up to July or August, 1919. That he last attended a meeting in July, then went to New York on a vacation. Claimed while in New York he was elected a delegate to the Detroit convention but took no active part therein. Membership book, Oswiata branch, Polish section, shows the name of alien after that branch joined the Communist Party, no cancellation of name or record of withdrawal or resignation appearing. In an affidavit to the special agent of the Department of Justice alien stated "I am a member of the Oswiata branch, Polish section, Communist Party, but I intended to put in my resignation January 2, 1920." However, alien claimed at the hearing that his answer was "I had been a member of the Socialist Party but I have resigned long ago." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Joseph Szczepankiewicz, Wilkes-Barre, Pa. At the time of his arrest alien admitted to a special agent of the Department of Justice that he had been a member of the Communist Party for a period of four months. At the formal hearing he admitted membership for about four months in the Communist Party and stated he had thrown away his membership card in that organization. Also stated that he had regularly attended meetings of the Communist Party. Certain records of the local branch of the Communist Party were found in his room at the time of his arrest. Alien claimed that these records were left there by the local secretary. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Vasil Prudun, or Pradun, Boston, Mass. In a sworn statement, made by alien on January 3, 1920, he admitted that he was a member of the Communist Party, Russian

branch, Portsmouth, N. H. That he had joined that organization December 11, 1919. Alien admits attending meetings of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Fedosi Payuk, Philadelphia, Pa. Admitted that he was formerly a member of the Socialist Party, and belonged to the branch of that organization that went over to the Communist Labor Party; that he has attended meetings and paid dues to the latter organization. Minutes of the meetings of the Communist Labor Party, which were introduced as evidence, show that alien was present at a meeting of that organization as recent as December 10, 1919. The foregoing is corroborated by original membership card in the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Paul Scoot, Detroit, Mich. Admitted membership in Communist Party, Russian Branch No. 3. Alien was also charged with entering the United States without inspection, and that he was likely to become a public charge at the time of entry because of sickness existing prior thereto. The latter charges were established by the testimony of the alien. When showed transcript of the statement made before a special agent of the Department of Justice, on January 14, 1920, in which he admitted membership in the Communist Party, he acknowledged the same to be correct. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Mike Soloway, Ellis Island, N. Y. Admits that he had been secretary of the Russian branch of the Communist Party, Bayonne, N. J. He refused to answer whether or not he was still a member. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Carl Toder, alias Carl Edward Troder, Indianapolis, Ind. Admitted membership in the Communist Party and having attended one meeting and receiving his membership card but claims to have paid no dues. Admitted to a special agent of the Department of Justice that he was a member of the Communist Party for one month but had burned his membership card and by-laws. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Antonio Rolich, Chicago, Ill. Testified that he does not belong to the Union of Russian Workers or to the Communist Party but admits that he turned over money to one John Borowski, treasurer of the Union of Russian Young Men, but that this organization is separate and distinct from the Communist Party. Stated that on one or two occasions he attended meetings of the Communist Party. A member of the Chicago police department, assigned on radical matters since January 23, 1915, appeared as a witness and testified that he put alien under arrest at a meeting of the Russian Workers' Club and that of his own personal knowledge, alien is a member of that organization and attended a meeting held there August 26, 1919, at which time he arrested the alien. Alien at that time admitted that he was a member of the Russian Club, which club, witness testifies, of his own personal knowledge, is one and the same as the Union of Russian Workers. Commissioner general recommended deportation. Warrant canceled March 26.

Jacob Lachenko, alias Jack Lacpenko, Milwaukee, Wis. Admits membership in Russian Branch No. 1 of the Communist Party. Believes in one class only and does not like the present form of the United States Government. Was arrested while attending a meeting of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Martin Habelewsky, or Hababewsky, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice on January 5 alien admitted that he is a member of the Communist Party. At the formal hearing this statement was read to the alien and he acknowledged that same was correct. Stated that he believed in the principles and doctrines of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Onis Chemich, alias Olisim Chimitz, Boston, Mass. Admits membership in Communist Party and that he had a membership card in that party and lost it. Stated that he read Novy Mir, Russki Golos, and the Russko Slovo. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Sygmund Arancz, Detroit, Mich. When confronted with a sworn statement made before a special agent of the Department of Justice on January 3, in which he admitted being a member of the Communist Party by absorption from the Socialist Party, of which he was formerly a member, he acknowledged same to be true and correct. Also stated that he had paid dues in Communist Party up to December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Mike or Mile Rajanovich, Milwaukee, Wis. Admitted that he is a member of the South Slavic Branch No. 3, Communist Party. Was arrested in the Communist

Party Hall in Milwaukee. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Timothy (Timothy) Markow, Rockford, Ill. Record shows that he is a member of the Communist Party. He identified his membership card which was introduced in evidence. In a statement made before an agent of the Department of Justice, alien admitted membership in the Communist Party and that he had attended meetings often. Alien identified and acknowledged the above referred to statement. He also admitted that the Russian branch of the Communist Party held meetings in the lower part of his house. That he was financial secretary of the Russian branch. That he burned all the records after the raid started. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Walter Vladislav or Galecki, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice, on January 3, alien admitted that he is a member of the Communist Party, having joined that organization about two months prior to that date. At that time he stated that he had turned his Socialist card in to be exchanged for a Communist card but had not received said card in the latter party. Stated that, although, he does not know all the principles and doctrines of the Communist Party, those with which he is familiar he believes in. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Andrei or Henry Sycz, alias Andrew Search, Baltimore, Md. When interviewed, by an agent of the Department of Justice, on December 12, alien admitted attending a school of the Union of Russian Workers for a period of three or four months. A certificate was presented by an agent of the Department of Justice to the effect that alien's name appears in the membership book of the Union of Russian Workers, showing that he had paid dues for 1919, \$1 in April and \$1.50 in June. It also appeared in the membership book that alien had paid dues to that organization for the entire period of 1918. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Frank or Franciszek Adamczyk, Buffalo, N. Y. Admitted membership in the Communist Party at Depew, N. Y., branch, admission being corroborated by original application for membership in Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Hulkovich, Detroit, Mich. Denies membership in the Communist or any other kindred organization. However, it appears that he was not inspected at the time of his entry in United States. Additional charge was also made that alien was a person likely to become a public charge. Local inspector recommends deportation on the ground that he is a person likely to become a public charge and that he entered without inspection. Commissioner general concurred. Warrant canceled March 13.

Lawrence Swikle, or Zviki, or Lorenz Zwinkl, Milwaukee, Wis. Admitted membership in the Communist Party, admission being corroborated by original membership card in the Socialist Party, which shows that alien paid dues into the Communist Party up to and including December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Ignatz Futach or J. Feuderoff, alias J. Futach, Milwaukee, Wis. Admitted in a statement before an agent of the Department of Justice that he was a member of the Socialist Party and after the split of that party went over into the Communist Party. That his dues are paid up and that he attends meetings regularly. In the formal hearing alien stated that his dues were not paid up for two months but that otherwise the above statement was correct. Was a delegate to the meeting at the city central committee of the Communist Party, at which he was arrested. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

S. Towstick or Semion Towstick, Boston, Mass. Admitted membership in Communist Party and stated that he had joined the Russian branch of that organization two or three months previous to the hearing. Stated that he is not an officer of the party, does not know who the officers are and would not tell if he did. Stated that he has read the program and constitution or manifesto of the organization, believes in the party principles, in mass action, revolution, and revolt by the working class against the capitalists and State in this country. Had Communist literature in his possession when arrested and testified that he sells Novy Mir. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Andrea Peldich or Peldo or Podlich, St. Louis, Mo. Admitted being a member of the South Slavic Federation Branch No. 55, East St. Louis. That when his branch of that organization became a part of the Communist Party he continued a member and librarian of his branch. Stated that he sold books for his branch of the organization and sent the money therefore to Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Zosef Machevski, alias Joseph Maeiezki, Boston, Mass. Identified and acknowledged his membership card in the Communist Party. The card contains the name and stamps, showing the alien's dues were paid for the year of 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Karl Rasikas, Grand Rapids, Mich. Admits membership in the Lithuanian Branch No. 51, Communist Party for "a little while," having formerly been a member of the Socialist Party. Was secretary of his branch when it was organized as a branch of the Communist Party, in which organization he assisted in doing the necessary writing incident to the change from one party to the other. Alien is a subscriber to the Lithuanian Communist paper Musu Tiesa. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Matweij, or Matthew, Labicki, Port Huron, Mich. Alien was arrested at the headquarters, in Port Huron, Mich., of the Union of Russian Workers, at which place on the same day a quantity of literature was seized. Alien's testimony, at the hearing, indicates membership in the Union of Russian Workers and belief in its principles. Two witnesses, in addition to the special agent of the Department of Justice, who assisted in making the arrest, made affidavits that alien is a member of and paid dues to the the Union of Russian Workers. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Fausto Antogmossi, Chicago, Ill. Admits membership in the Communist Party and that he was present at the first meeting of the organization. Minutes of that organization introduced in evidence show that the alien attended meetings November 14, December 12, and December 19, 1919, of the West Side Italian Communist Section. Membership card showing admission on November 21, 1919, as well as the payment of monthly dues, was acknowledged by the alien. Counsel for the alien contends that the social-educational feature, particularly the study of the English language, was the predominating if not the sole object of the organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Jack Semack, alias Iakov Semacko, Detroit, Mich. In a signed affidavit made to an agent of the Department of Justice, which affidavit alien acknowledged in the hearing, alien stated that he was a member of the Communist Party, Branch No. 3; that he had joined two months previously; that he paid 75 cents dues for the two months and that his membership card was at home. At the hearing he denied membership in the Communist Party and claims he did not attend meetings of the Communist Party. Denied receiving membership card. An agent of the Department of Justice testified at the hearing that records in the Russian Branch No. 3 show this alien to have paid 25 cents in October and \$1.40 in December. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Andrew Mozyshak or Andrew Moochook, Boston, Mass. Admitted that he joined the Socialist Party in 1908, but states that he does not know what the Communist Party means. When asked, "What would you say if we found in this book, on page 87, your name, this book containing the records of the Lynn branch." He replied, "I would say that I did belong, but paid dues only once." Alien admits that he never took any steps to sever his connection with the local, which became a part of the Communist Party. Considerable Communist literature, of an extremely radical nature, was found in his room. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Taras Meshechek, Detroit, Mich. A special agent of the Department of Justice testified that an investigation of the secretary's register of members showed this alien to be a member and that his dues had been paid up to January 1, and that the record failed to disclose the alien's withdrawal from the party. Was arrested in the House of Masses. Admits that he had been to these meetings on three or four previous occasions, but stated that he had gone there to secure books from the library, which had belonged to the Socialist Party. In a sworn statement made before a special agent of the Department of Justice alien stated he was a member of the Socialist Party, Branch No. 3 up until about a month ago when he left the party because he didn't like the idea of being a Communist. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Max or Maxim Krisow, alias Max Basuk, Buffalo, N. Y. An application for membership in the Communist Party, in the name of Max Krisow was introduced in evidence. Alien denied it to be his name or that he had signed the application, but it was established with a reasonable degree of certainty that the application referred to him. Alien claims he was met on the street by two men who asked him to join a party and he paid 50 cents. Denied that he ever attended meetings of the Communist Party or that he ever received a membership card. At the hearing, on February 21,

alien testified that he had submitted a formal resignation to the Communist Party subsequent to the initial formal hearing. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Luka Sovera or Louis Severa, Detroit, Mich. States that eight months before the hearing he joined the Socialist Party. At the time of his arrest his membership card offered in evidence shows dues paid including December, 1919. Was arrested while attending a Communist meeting. Has taken out no citizenship papers because he wished to return to Russia. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Sam Logan, Chicago, Ill. A special agent of the Department of Justice testified at the hearing that alien was taken into custody in the hall of the Communist Party while attending a meeting. Also testified that the alien had admitted to him, on January 2, that he was, and had been for six months a member of the fourth Russian branch of the Communist Party; that he had lost his membership card and that he had at that time identified the charter of his branch hanging in the room where the meeting was held. At formal hearing alien denied membership in the Communist Party; said he had not attended any meetings of the party; later corrected this statement when confronted with witnesses who had assisted in arresting him. His manner of testifying at the hearing gives the impression of untruthfulness. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Herman Adler, Boston, Mass. Admitted that he joined the Central Branch, Socialist Party, about one year ago. When asked, "What party are you a member of now," he replied: "When they split there was a question of splitting branches of the Socialist Party. The Central Branch to my knowledge was done out of its proportional representation and we were shoved into the Communist Party. Principally I believe in the principles of communism." Stated that shortly after Thanksgiving he sent in his resignation. It appears, however, that he sent in his resignation not because of his disagreement with the principles of the Communist Party, but because he was dissatisfied with the way the local conducted its business. In a statement made before an agent of the Department of Justice alien admitted that he was a member of the Central Branch of the Communist Party; that he attended meetings occasionally and would have attended more meetings except for the fact that he was working at night. Also that he had read the constitution of the Communist Party. A number of books and pamphlets, including literature of the Communist Party, were introduced in evidence and alien admitted ownership of same. Alien admitted that he believes in the principles and doctrines of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Mikh Saliwouchik, Butler, Pa. Admits membership in the Communist Party. Membership card admitted by alien to have been taken from his person shows date of admission as May 18, 1919. This card shows one Communist stamp for the month of November; also signatures in the spaces for June, July, August, September, and October, with seal of the Communist Party of America over same, indicating that dues were paid during those months. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Steve Prajdich, Youngstown, Ohio. In a statement made to an agent of the Department of Justice on January 16, alien admitted that he was a member of the Communist Party; that he had read the party manifesto, but did not believe in its principles or policies. At the hearing alien claimed that he was under the influence of liquor when asked to join the organization; that he destroyed the membership card that was given him on returning home, his friends being dissatisfied at his joining; that at the time of joining the organization he did not know that it was the Communist Party. However, these statements by the alien have not been supported with competent evidence. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Paul or Pawel Bios, Buffalo, N. Y. Admitted membership in the Communist Party and identified his original application for membership in that organization. Admitted attending at least five meetings of that party, at which the principles and tactics were discussed; that he also taught revolutionary songs. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Barney Goldsmith, Denver, Colo. Testimony shows that alien joined the Socialist Party at Denver. He went away for about a year, paying his dues regularly. He returned to Denver in October, 1919, and went to the meeting place to pay his dues, at which time he was given a card in the Communist Labor Party. He then found that his branch of the Socialist Party had been taken over by the Communist Labor Party. He claims to have attended no more meetings, yet he carried the member-

ship card and when apprehended it was found on his person. Inspector in charge at Denver recommended that warrant be canceled. However, the commissioner general did not concur in that recommendation but recommended deportation. Warrant canceled April 1.

Frank Wasilewski, Detroit, Mich. Alien was asked several questions regarding his membership in the Communist Party and refused to answer same, continually stating, "I don't want to answer that." In a sworn statement made before a special agent of the Department of Justice the alien stated that he was a member of the Communist Party and that he was a delegate to the convention of the Michigan branches, Polish Section of the Communist Party, held at Detroit, September 13 and 14, 1919. Commissioner general recommends deportation. Warrant canceled April 1.

Stanley Zlotucha, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice alien admitted that he became a member of the Communist Party when his branch of the Socialist Party went over into the Communist Party. Admits that he solicited advertisements for the official organ of the Communist Party, "Glos Rebotniczy," although he states that he did not know it was the official organ of the party, but claims he was soliciting advertisements for the percentage he received. States that when his party went over into the Communist Party he ceased paying dues and had paid none for three or four months prior to January 1. When asked if he believed in the principles and doctrines of the party he stated "as far as I know from the beginning the Communist Party was legal and they had a charter, and that is all I know about the Communist Party." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Stefan Timofeyew, Ellis Island, N. Y. Admitted membership in the Communist Party and that he has been a member for the past three months. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Alex Litwin, Philadelphia, Pa. Admits having been a member of the Russian branch of the Communist Party for two months; states that he has not paid dues; that he has no membership card but that he believes in the principles of the Communist Party and that he wishes to be returned to Russia. When cross-examined by his counsel alien testified that he does not know what the principles of the Communist Party are, that he "just joined it, all the fellows went over and I went with them." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Parfen Kandradowich, or Peter Kandrateski, Buffalo, N. Y. Testifies that he never belonged to the Communist Party but that they took his name and entered it. The photostat copy of alien's application for membership in Communist Party was presented and alien admits that the name was correct but states that he did not write it. Testified that he paid 25 cents dues at the time he gave his name in as a member and that he, thereafter, paid 25 cents each month. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Pete or Peter Mozoke, Pittsburgh, Pa. Testimony shows that alien was a member of the Socialist Party; that the Socialist Party joined the Communist Party of America and that he joined same himself; that he has been a Communist for about four months and has attended about 10 or 12 meetings; that he believes in the principles of the Third International; that he believes in the principles of Bolshevism and is in full sympathy with the Soviet Government of Russia. There was introduced documentary evidence to show the character of the Communist Party. After the reading of excerpts from these exhibits, alien was asked if he understood and believed in them and he answered, "Yes, in full accord with it." When asked if he had anything further to say in his own behalf, alien answered, "The answer to your question why I was not satisfied with the Government is I would say, how can I, when the Government has inhumanly sent troops to spill the blood of my people in Russia." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Henry Sagoff or Sagoni, alias Katchasa Teagareff, Seattle, Wash. Admits membership in the Union of Russian Workers in Russia from 1905 to 1910, but denies such membership since his residence in United States. States that he believes in the principles of the Union of Russian Workers, "as much as I understand." Admits disbelief in the United States or any form of organized government and admits disbelief in all forms of law. Additional charge was made, in that alien was likely to become a public charge at time of entry. Also that he entered the United States illegally, having failed to pass inspection by the immigration officials. Testimony shows that the health of alien is poor; that he wants to go back to Russia because he

DEPORTATION CASES OF WILLIAM T. AND AMY COLYER

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS
SECOND SESSION

JUNE 5, 1920

SUPPLEMENTAL REPORT IN CONNECTION WITH HEARINGS ON COMMUNIST LABOR PARTY DEPORTATION CASES

Held May 4, 6, and 7, 1920

HEARINGS IN THE CASES OF
WILLIAM T. AND AMY COLYER



WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

184284

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.
HAROLD KNUTSON, Minnesota.
ROSCOE C. McCULLOCH, Ohio.
J. WILL TAYLOR, Tennessee.
JOHN C. KLECZKA, Wisconsin.
WILLIAM N. VAILE, Colorado.
HAYS B. WHITE, Kansas.
KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.
JOHN E. RAKER, California.
RILEY J. WILSON, Louisiana.
BENJAMIN F. WELTY, Ohio.
JOHN C. BOX, Texas.
L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

OCT 28 1920

DEPORTATION CASES OF WILLIAM T. AND AMY COLYER.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Saturday, June 5, 1920.

A subcommittee called by Chairman Johnson met at 10 a. m.

The CHAIRMAN. The hearings before the Inspector of Immigration at Boston in the cases of William T. and Amy Colyer have been forwarded to the committee by Assistant Secretary Post, as per the committee's request, and are as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, June 1, 1920.

HON. ALBERT JOHNSON, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. JOHNSON: There are inclosed, herewith, copies of hearings in the cases of William T. and Amy Colyer, which have just been received from the Commissioner of Immigration at Boston, Mass., and which are forwarded to you in accordance with the request contained in your communication of May 5.

Very truly, yours,

LOUIS POST,
Assistant Secretary.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE.

File No. 305B.

Report of hearing in the case of Amy Colyer, under department warrant No. 54-810/162, dated December 30, 1919.

Hearing conducted by Inspector John Ryder, at Deer Island, date, January 20, 1920.

Alien taken into custody at Boston, Mass., January 3, 1920, by Chester Macomber.

Minutes taken and transcribed by Clara M. Rosenstein.

Said Amy Colyer was informed that the purpose of said hearing was to afford her an opportunity to show cause why she should not be deported to the country whence she came, said warrant of arrest being read and each and every allegation therein contained carefully explained to her. Said alien was offered an opportunity to inspect the warrant of arrest and the evidence upon which it was issued,

which privilege was not accepted. The alien being duly sworn, (affirms), the following evidence was presented:

Q. Is your name Amy Colyer?—A. Yes.

Q. I am an immigration inspector ready to give you a hearing.—A. Is my counsel here?

Q. No; he is not here to-day, but we can go on with the hearing and then have him sit in when he comes.—A. I do not wish to say anything without my counsel.

Q. I am ready to give you a hearing now if you wish.

(Alien walks away and refuses to answer any questions.)

Case deferred for counsel.

REHEARING

FEBRUARY 4, 1920, BY INSPECTOR M. J. LEONARD, WITH ATTORNEY SILVER PRESENT REPRESENTING ATTORNEY KATZEFF, WHO IS CLAIMANT'S COUNSEL.

Alien affirms.

Inspector reads rules governing hearings in accordance with the United States immigration laws. Warrant issued in accordance with the act of October 16, 1918. Subdivision 5 (b) reads as follows:

At the beginning of the hearing, under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued and shall be apprised that he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the conduct of the hearing and to offer evidence to meet any evidence presented or adduced by the Government. Objections and exceptions of counsel shall not be entered on the record, but may be presented by him in accompanying brief. If during the hearing it shall appear to the examining inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is in the country in violation of law, the alien's attention shall be directed to the facts which constitute such reason, and he shall be given an opportunity to show cause why he should not be deported therefor.

(Alien reads warrant.)

Q. What is your name?—A. Amy Colyer.

Q. Will you give me your name before marriage, please?—A. Amy Withall.

Q. What is your husband's name?—A. William Thomas Colyer.

Q. Where were you married?—A. Islington, London, England.

Q. Can you give me the date of your marriage?—A. July 12, 1915.

Q. How old are you?—A. Thirty-eight years.

Q. Can you give me the date of your birth?—A. May 9, 1881.

Q. You read and write?—A. Yes.

Q. Have you any occupation other than housewife?—A. No.

Q. When did you come to the United States?—A. Tuesday, July 27, 1915, on the *Carpathia*, landing at New York.

Q. Who accompanied you on the ship?—A. My husband.

Q. To whom were you destined?—A. No one.

Q. What address did you go to?—A. We found some one on the ship who recommended a boarding house, and we stayed there for a week in New York.

Q. What class did you come on the ship?—A. Second class, I think.

Q. Did you have any difficulty in landing at New York?—A. No.

Q. What is the occupation of your husband?—A. I think I better leave him to answer.

Q. Why did you and your husband come to the United States at that time?—A. (After a long pause). I will let him say.

Q. Who paid your passage?—A. We, ourselves.

Q. I have here a warrant of arrest, which you have already been allowed to examine, and you have read it. Your attorney probably is familiar with it. Under the rules governing these hearings you are allowed to have counsel. Have you selected counsel?—A. Yes; Morris Katzeff, I understand, has been engaged.

Q. This gentleman, Mr. Silver, represents Mr. Katzeff; is it satisfactory to you that he sit in and continue with the case?—A. Yes; if he represents Mr. Katzeff.

Q. How long did you stay in New York?—A. One week.

Q. Then where did you go?—A. We came to Boston.

Q. What address did you come to in Boston?—A. We had not an address, but found rooms at 70 Pinckney Street.

Q. How long did you stay there?—A. About 10 months..

Q. Were you engaged in any work while you were in Boston?—A. My husband was writing.

Q. Did you engage in any work?—A. No; I typed his articles.

Q. You do not care to answer questions regarding the employment of your husband, do you?—A. No.

Q. After you lived at 70 Pinckney Street, where did you go, then?—A. Well, after staying at a friend's house for a few weeks we went to Wellsley, and have been there ever since.

Q. With whom were you living on Pinckney Street?—A. We had one room, my husband and myself.

Q. Do you know who the landlady or landlord is?—A. Two Misses Mulligans, I think.

Q. How did you get the address on Pinckney Street?—A. We went to the Unitarian Association on Beacon Street, and they gave it to us.

Q. Do you keep house in Wellsley?—A. Yes.

Q. After you went to Wellsley, did you engage in any occupation for which you received a salary?—A. No.

Q. You said that you typed articles for your husband?—A. Yes; that is all. I learned it myself.

Q. What were the articles that you typed?—A. Miscellaneous articles.

Q. Anything in general?—A. Yes; anything in general. We sent them around to various papers and magazines.

Q. Can you name some of the papers they were sent to?—A. Pretty nearly all papers—an article in the Independent.

Q. Where was the Independent published?—A. I don't know.

Q. Is it New York?—A. I don't know where it is published.

Q. You did not address the envelope?—A. Yes; but I addressed so many I can't tell you the address.

Q. What was the article on that you sent to the Independent?—A. "The Military Mind." This particular article.

Q. Had the war started when you left England?—A. Yes; for a few months.

Q. Had you and your husband taken any active part in the part that England was to take in the future of the war?—A. No; we went on with our usual occupations.

Q. There was a draft law in England?—A. No.

Q. How did they raise the army?—A. Voluntarily.

Q. Conscription was not in force?—A. No.

Q. Well, did you and your husband write any articles relative to the possibility of England taking part in the World War while you were in England?—A. No; I think nothing at all.

Q. You are not sure of that?—A. I know that at that time he was not writing.

Q. Were you in conflict with any civil authorities in England just before coming to the United States?—A. No.

Q. Hadn't you taken up a sort of resistance against England entering the World War?—A. We were opposed to the war.

Q. Is that one of the reasons for coming to the United States?—A. Conditions arising out of that; yes.

Q. Will you state in your own words just what are the conditions arising out of that that assisted you in making up your mind to come to the United States at that time?—A. I am quite willing to, but I am simply saying what my husband will say. I agreed to anything he said. It was not my action, so I prefer not to say.

Q. You were guided wholly by what your husband decided?—A. I agreed with what he said.

Q. Didn't you and he talk over the possibilities of coming and just why you would make up your minds to come?—A. Certainly.

Q. Was it anything relative to political action which might be taken against you by civil authorities in England that assisted you in making up your minds to come here at the time you did?—A. I think the chief reason was that he hadn't a job, and in war time a man who was opposed to war did not find anything to do.

Q. Did you belong to any organization in England?—A. Yes; the Independent Labor Party.

Q. What were the functions of that party? What did they hope to accomplish?—A. It is the Socialist Party.

Q. Did they have connections with the socialists in the United States?—A. I don't think so. It is quite independent.

Q. The fact that you were a socialist in England, was it admissible for you in the United States in the Socialist Party?—A. No.

Q. Did you have a transfer from your party?—A. No.

Q. Where were you taken into custody?—A. At Wellsley.

Q. At your home?—A. Yes.

Q. Do you know why you were taken into custody?—A. I don't know more than the warrant says. I entirely deny that the warrant is justified in what it says about me.

Q. Do you know any reason why the warrant which you have read has been issued against you?—A. No good reason. (Attorney hands the warrant to her to read again.) I don't belong to any organization that advocates the overthrow of the Government by force and violence.

Q. Do you know of any reason why that warrant should be issued against you?—A. It is general prejudice against radicals.

Q. Are you a radical?—A. Certainly.

Q. What do you mean by radical?—A. One who desires the present system of society radically altered.

Q. Have you or your husband taken any steps to become citizens of the United States?—A. My husband took out first papers January, 1916.

Q. Where?—A. In Boston.

Q. Were you in favor of that?—A. I was at that time.

Q. Are you now?—A. I am not in favor of becoming a citizen of the United States now.

Q. Why?—A. I should not wish to swear allegiance to this Government.

Q. Why?—A. I entirely disapprove of it.

Q. In what way do you disapprove of it?—A. As a communist I am opposed to all capitalist governments.

Q. What do the Communists teach that would make you opposed to the Government of the United States?—A. They want an entirely new form of society, in which capitalism and the wage slavery will no longer exist. Under all capitalist government there is capitalism.

Q. How do they hope to accomplish the change?—A. They would like the capitalists to surrender, I suppose.

Q. What is your idea, from what you have heard, relative to the methods of the Communists taking over the Government of the United States or any other form of government?—A. We issue propaganda in the ordinary way, just as any other society that desires to propagate its ideas.

Q. When you came here and your husband came here with you, did you come intending to remain in the United States, or just to pay a visit and then return to England?—A. We really did not know. He had no job, and it all depended on that.

Q. When you first reached New York, you and your husband, did you get in touch with any socialist organization in New York?—A. Not in New York. We were only there for a week, and most of the people were in their summer homes.

Q. When you left England did you have any address of prominent socialists in New York?—A. No.

Q. When you left England had you severed your connections with the Socialist Party?—A. At the time we left; no.

Q. Is it an international party that you belong to in England?—A. No.

Q. It is not international?—A. It was the Independent Labor Party that we joined.

Q. Isn't that connected with the Socialist Party?—A. There is not a Socialist Party in England; not called the Socialist Party. There are various parties that are socialists and this was one of them.

Q. Did you have any address of any prominent socialists in Boston when you left England?—A. We had only joined a few months, and we really did not know any of the people. We had no introduction here.

Q. Have you any relatives in Boston?—A. None in this country.

Q. No friends?—A. No.

Q. Why did you choose Boston in preference to Philadelphia, Chicago, or any other large city?—A. I can hardly tell you. We thought we should prefer Boston to New York.

Q. Was there any reason?—A. No.

Q. Before leaving England did you or your husband write to any person in Boston?—A. No.

Q. Did you receive any letters from Boston inviting you to come to the United States?—A. No.

Q. How much money did you bring from England?—A. I don't know exactly, but we lived on it for about 10 months, and then we were very low.

Q. After coming to Boston what organizations did you join?—A. We joined the Socialist Party in 1916, the following year.

Q. What branch did you join?—A. The central branch.

Q. Is there any number to it?—A. No.

Q. What is that branch composed of, English or foreign-speaking people?—A. I prefer not to say anything about the branch.

Q. Who was the secretary?—A. That I decline to say.

Q. Did you ever act as secretary?—A. Yes.

Q. Up to the time that you were taken into custody were you not secretary of the branch?—A. At that particular time I was secretary.

Q. How long had you served as secretary?—A. At different times. I had been secretary the last six months.

Q. What is the approximate date of your joining?—A. In September, 1916, I think it was.

Q. You have already said that you were a communist; what do you mean by that?—A. I mean a revolutionary Socialist. As far as I understand a socialist and a communist is the same, but the word "socialism" has become vague in its meaning and the communists agree among themselves more now than the socialists do.

Q. What branch of the Communist Party do you belong to?—A. The central branch.

Q. Meeting at 885 Washington Street, Boston, or is that the headquarters of your branch?—A. I decline to answer that.

Q. Well, if we should produce documentary evidence that such is the fact, what would you say to it?—A. Documentary evidence of what I have done, of course, must stand.

Q. How long have you served as secretary of the communist branch?—A. Since it existed.

Q. When did it come into existence?—A. September, 1919.

Q. How did it come into existence?—A. The Communist Party was formed then.

Q. How?—A. In the ordinary way parties are usually formed.

Q. Something must have happened. You were a socialist and after September you became a communist. What happened?—A. After September there was a Communist Party and I preferred to belong to it.

Q. How did the Communist Party come into existence?—A. I decline to answer that. I had nothing personal to do with that.

Q. But you know the history of it?—A. Of course.

Q. Will you tell me the history of it?—A. No.

Q. Why not?—A. Because I don't know what you want to know for. You probably know now.

Q. Do you realize that membership in the Communist Party from your knowledge of the teachings of the Communist Party brings

you within the purview of the act of October 16, 1918, from which act the allegations in this warrant are taken?—A. If it is so, it is so; but it ought not to be so.

Q. Do you realize that?—A. I realize that I have been arrested on that assumption, but it is a wrong assumption.

Q. You know that there was a convention in Chicago in September, 1919, of the Socialist Party, don't you?—A. I don't choose to say anything about the details of the organization. That organization is being persecuted and you are going after perfectly innocent people. I don't wish to disgrace myself by helping you to spy on innocent people.

Q. When you became a member of the Communist Party did you sign an application for membership in the Communist Party?—A. No; I did not.

Q. Then, how did you effect your membership in the Communist Party?—A. Well, certain of us were taken over, those who voted to join. I was among those who voted to join the Communist Party.

Q. Well, what information did you receive at the time that you and the others voted to go into the Communist Party, relative to the Communist Party?—A. We knew what was going on in the Communist Party by our press.

Q. You mean by that, periodicals and papers that are owned and published by the Communist Party?—A. Yes.

Q. Can you give me the names of them?—A. I can, but it is unnecessary.

Q. Did you ever read the manifesto of the Communist Party?—A. Yes.

Q. Do you approve of it?—A. Yes.

Q. I introduce as evidence in this case and make same part of the record marked "Exhibit No. 1, copy of volume K, of the Communist official paper of the Communist Party issued at Chicago, Saturday, July 19, 1919, entitled, "Call for a National Convention for the Purpose of Organizing the Communist Party of America." I read from Exhibit 2, page 2, as follows: "In this the most momentous period of the world's history capitalism is tottering to its ruin. The proletariat is straining at the chains which bind it. A revolutionary spirit is spreading throughout the world. The workers are rising to answer the clarion call of the Third International. No other course is possible; therefore, we, the minority delegates at the left wing conference, call a convention to meet in the city of Chicago, on September 1, 1919, for the purpose of organizing a Communist Party in America." Have you not heard that call before?—A. Yes.

Q. I read further: "This party will be founded upon the following principles: 1. The present is the period of the dissolution and collapse of the whole capitalist world system, which will mean the complete collapse of world culture, if capitalism, with its unsolvable contradictions, is not replaced by communism. 2. The problem of the proletariat consists in organizing the training itself for the conquest of the powers of State. This conquest of power means the replacement of proletarian machinery of government. 3. This new proletarian State must embody the dictatorship of the proletariat, both industrial and agricultural, this dictatorship constituting the

instrument for the taking over of property used for exploiting the workers and for the reorganization of society on a communist basis. 5. The present world situation demands the closest relation between the revolutionary proletariat of all countries." You have heard that?—A. Yes.

Q. Do you subscribe to that?—A. I do.

Q. I read from page 2, as follows: "Program of the Call: 1. We favor international alliance of the socialist movement of the United States with only the communist groups of other countries, such as the Bolsheviks of Russia, Spartacists of Germany, etc., according to the program of communism as above outlined. 2. We are opposed to association with other groups not committed to the revolutionary class struggle, such as labor parties, nonpartisan leagues, people's councils, municipal ownership leagues, and the like. 3. We maintain that the class struggle is essentially a political struggle; that is, a struggle by the proletariat to conquer the capitalist state whether its form be monarchistic or democratic republican, and to destroy and replace it by a government structure adapted to the socialist transformation." You have heard that?—A. Yes. It is very familiar.

Q. Do you subscribe to it?—A. Yes.

Q. Have you read the Constitution of the United States?—A. Not the whole of it.

Q. Do you understand the form of government that you are enjoying in the United States?—A. I am not enjoying it, but I think I understand it.

Q. That you are living under in the United States?—A. Yes.

Q. What particular part of this Government do you object to?—A. The part which violates the Constitution.

Q. What part is that?—A. Free speech, war to be declared by Congress, the right of those arrested to speedy trial.

Q. Anything else?—A. Plenty of other things, I have no doubt.

Q. Seeing that you and your husband are not entitled to vote in the United States, what did you hope to accomplish by joining the Communist Party at this time?—A. Just what you can accomplish in any country in the socialist movement, which, as you said, is international.

Q. Then it is international?—A. Certainly. We were not able to vote under five years, but we did not wish to stand out of the socialist movement for five years because we can not work. We could easily work wherever we are.

Q. Did you seek admission to the socialist movement in the United States after arriving in Boston, or were you invited to come into the movement by somebody?—A. No; I went to it.

Q. Where did you go to seek admission?—A. To Park Square.

Q. What number Park Square?—A. I think it was—well, I think No. 4.

Q. Was it not No. 7, the old office of the Socialist or Communist Party?—A. Seven does not sound right to me, but it was in Park Square, anyway.

Q. Who did you find in authority there at the time you made your first visit?—A. I don't wish to speak about anybody else.

Q. How did you find that No. 4 or 7 Park Square was the headquarters?—A. I don't think I can tell you; I don't remember. It is quite easy to find out where the headquarters are if you want to.

Q. I introduce as evidence in your case and make same part of the record, marked "Exhibit 2," application for membership Communist Party of America: "The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work." What have you to say to that?—A. I am quite willing to subscribe to that.

Q. I introduce as evidence in your case and make part of the record membership card, "Communist Party of America affiliated with the Communist International. This is marked "Exhibit No. 3." (Alien examines card.) Do you recognize the card?—A. Yes.

Q. I introduce as evidence in your case and make same part of the record, marked "Exhibit No. 4, pamphlet No. 1." Manifesto and program, constitution and report to the Communist International. "There is a common policy that characterizes moderate socialism; that is, its conception of the state. Out of the conception that the bourgeoisie parliamentary state is the basis for the introduction of socialism developed a directly counter-revolutionary policy. Communism rejects this conception of the state. It rejects the idea of class reconciliation and the parliamentary conquest of capitalism. The Communist Party alone is capable of mobilizing the proletariat for the revolutionary mass struggle to conquer the power of the state. The Communist Party, realizes that it is necessary to develop separate organs of working-class political power by means of which to crush the resistance of capitalism and establish the Communist Commonwealth." What have you to say to that?—A. I agree to that.

Q. I read from page 8 of Exhibit No. 4, as follows: "Strikes are developing, verging on revolutionary action, and in which the suggestion of proletarian distatorship is apparent. The striker-workers try to usurp functions of industry and government, as in the Seattle and Winnipeg general strikes." Were you aware of the fact that February 3, 1919, was set by the socialists and communists as the day for general strikes all over the United States?—A. No; I don't think so.

Q. Did you participate in any strike on February 3, last year?—A. No.

Q. Were you in Lawrence?—A. No.

Q. At any meetings of the Socialist or Communist Party, had such information come to the meeting that you might learn from it relative to the proposed strike?—A. I don't remember. I don't think we got as far as a general strike in the United States.

Q. You know that there was a strike inaugurated on February 3, last year, in different parts of the United States from organizations other than the so-called American Federation of Labor? Don't you know there was a strike in Lawrence?—A. Yes.

Q. Do you know of the strike in the shipyards out West?—A. I don't remember.

Q. Do you know anything about the strike that took place in Winnipeg?—A. I remember something about it.

Q. Was it about that date?—A. I should not like to commit myself. I don't know what the date was.

Q. I read from page 9 of Exhibit 4, as follows: "The proletarian class struggle is essentially a political struggle. It is a political struggle in the sense that its objective is political—overthrow of the political organization upon which capitalist exploitation depends and the introduction of a proletarian State power. The objective is the conquest by the proletariat of the power of the State. Communism does not propose to 'capture' the bourgeoisie parliamentary State, but to conquer and destroy it." Have you heard that before?—A. Yes.

Q. Do you subscribe to it?—A. Yes.

Q. I read from page 10 of Exhibit 4, as follows: "The conquest of the power of the State is accomplished by the mass power of the proletarian. The mobilizing of this control against capitalism means the initial form of the revolutionary mass action that will conquer the power of the State." Have you heard that before?—A. Yes.

Q. You subscribe to it?—A. Yes.

Q. I read from page 12 of Exhibit 4 as follows: "The proletarian revolution comes at the moment of crisis in capitalism, of a collapse of the old order. Under the impulse of the crisis, the proletariat acts for the conquest of power by means of mass action. Mass action concentrates and mobilizes the forces of the proletariat, organized and unorganized; it acts equally against the bourgeoisie State and the conservative organizations of the working class. Strikes of protest develop into general political strikes and then into revolutionary mass action for the conquest of the power of the State. Mass action becomes political in purpose while extra parliamentary in form; it is equally a process of revolution and the revolution itself in operation." You have heard that before?—A. Yes.

Q. I read from page 14 of Exhibit 4 as follows: "The Communist Party is the conscious expression of the class struggle of the workers against capitalism. Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism, and the destruction of the bourgeoisie State. The Communist Party prepares itself for the revolution in the measure that it develops a program of immediate action, expressing the mass struggles of the proletariat. These struggles must be inspired with revolutionary spirit and purpose. The Communist Party is fundamentally a party of action. It brings to the workers a consciousness of their oppression, of the impossibility of improving their conditions under capitalism. The Communist Party directs the workers' struggle against capitalism, developing fuller forms and purposes in this struggle, culminating in the mass action of the revolution." You have heard that before?—A. Yes; very much like it. I suppose it comes from that.

Q. And you subscribe to it?—A. Yes.

Q. Beginning the last paragraph it says: "The Communist Party is fundamentally a party of action," can you enlarge on that?—A. I think it simply means it wishes its members to be active in getting the truth to the workers. It does not think that politics are of any use; to vote once in every four years for some one who does not represent us. It wants something more active than that. Its action is to get the truth to the workers, that is what it wants to do, and it wants its members to help do that.

Q. You are, of course, familiar with the means of making laws of the Government of the United States?—A. Yes.

Q. That we have a congressional election every two years; the Congressmen are supposed to be representatives of the mass of the people. Are you opposed to that method or is it in accordance with the communist teachings that that particular form be done away with and other action take place?—A. It is in accordance with the communist teachings that it should be done away with because it does not work. If the congressional representatives really did represent the mass of the people, we should be only too happy to subscribe to it and work for it. We believe that the political institution here is not a political democracy; it does not work democratically. The workers could not vote for their representatives; they vote for members whose ideas are not their ideas. The congressional representatives certainly do not represent all the interests of the people. Those who represent the wealthy will not represent the poor. We want a form of government by which we will be groups so that we are really voting for those who represent us; a form of industrial democracy. We contend that here there is not even political democracy.

Q. Before leaving for the United States, had you studied the politics of the United States?—A. From general reading I knew something about it.

Q. Did you know enough about it while in England to assist you in making up your mind after such a short residence in the United States that you would be in a position to say that the present Government of the United States is not proper? In other words, have you lived in the United States long enough to make up your mind that the present system of government is wrong?—A. Quite long enough, I think.

Q. In what way have you come in contact with the Government of the United States that makes you believe that it is wrong?—A. I see how things work. I see just lately that the five assemblymen in New York were unseated for no other reason than they are Socialists. That bears out that you won't let us work through those means. We had been in hope that our communist representatives would be allowed to sit and do anything. We are only too anxious to work through those means, if you will let us. They are very often closed. By political propaganda we mean by distributing literature. If a man puts a bundle of papers under his arm, he calls it political action; he tries to get his ideas to other people. He concentrates on that mostly because the political machinery is such that we can not use it.

Q. What are your feelings toward capital and industry?—A. I desire the abolishment of capitalism.

Q. How would you accomplish that?—A. We can not tell now how revolution is to be effected.

Q. How does the Communist Party hope to accomplish it?—A. By teaching the workers the truth about existing conditions.

Q. Don't they hope to accomplish it by mass action, so-called?—A. Mass action follows; present conditions bring about mass action.

Q. Then you are in favor of mass action?—A. Yes.

Q. Can you enlarge a little more on mass action?—A. It is brought about by the particular conditions of industry at the present time,

when the unskilled workers massed together in large numbers in the large industries and the conditions forced upon them teach them that the only way to better their conditions is to work together.

Q. Does not mass action, when it comes to final analysis, mean a general strike all over the world, and that the result of that strike will be the taking over by the masses of industry and capital, perhaps including force and violence?—A. If it was so general as your question suggests, I think it probably could be done without any violence.

Q. Does it not include force and violence?—A. It is much desired that it shall be a general strike all over the world, but I am afraid it will not come that way.

Q. How is the revolution likely to come?—A. It is very likely to come through the workers defending themselves against counter-revolutionary action, as the workers in Russia. They don't desire force; they have simply been compelled to fight by the Allies. The Communists in Russia are concerned with reconstruction the whole time. That is what they work for. The Allies have compelled them to fight.

Q. Is it not a fact that if the voters in the United States desire any change in the laws for the benefit of the workers that they have a proper method of taking up the changing of the laws?—A. I think that it is a machine that does not work.

Q. Is it not a fact that the State of Massachusetts is one of the foremost in labor legislation?—A. I believe on paper it does stand out well.

Q. What leads you to think that there is not anything else but the laws on paper? What has happened that convinces you that perhaps the laws have not been put into effect?—A. Well, the strike at Lawrence is quite enough to show me the economic conditions in Massachusetts are anything but good.

Q. Was the strike in Lawrence brought about by any law enacted in Massachusetts?—A. Perhaps not; but if there were good laws in Massachusetts the strike would not have occurred.

Q. Can you call to mind any bad law in the statute books of Massachusetts relative to the working class?—A. It is the whole system of capitalism that we are opposed to.

Q. I read from page 16 of Exhibit 4 as follows: "(b) The shop committees shall be organized wherever possible for the purpose of communist agitation in a particular shop or industry by the workers employed there. These committees shall be united with each other and with the Communist Party, so that the party shall have actual contact with the workers and mobilize them for action against capitalism." Is that in line with what we have just brought out in evidence? [Inspector has to explain question.] Does it not add to what you have already said relative to conditions that are not favorable to the working class?—A. I do not quite see the connection between it, but I approve of that.

Q. In other words, this is the action that you approve of rather than the laws made to benefit the working class?—A. No; I am not opposed to laws to benefit the working class. The difference is that the working class does not get benefited.

Q. Is it a fact that the laws are too slow for the Communist Party?—A. We want altogether different laws.

Q. Is it a fact that the laws are too slow for the Communist Party?—A. That does not seem to me to lead anywhere. That question—

Q. Answer the question yes or no.—A. They are not laws that benefit the working class. I don't say it might not be worse, but I want to see that very much better.

Q. Is it not a fact that the system of the Government of the United States may be too slow in making laws for the benefit of the working class to suit the Communist Party?—A. The Communist Party does not expect laws to be made in accordance with its program under the present system.

Q. They hope to change conditions without the aid of laws, is that not a fact?—A. They desire to work within the laws as much as possible.

Q. But where they find it is impossible, they then take the laws into their own hands, is not that right?—A. No.

Q. Is that not part of the teachings of the Communist Party?—A. I don't think so.

Q. Had not you heard that and read and subscribed to it?—A. In what you have read to me, I don't think so. We don't talk in that way. We should hope to aid conditions with the aid of laws. Our contention would be that it is always the other side that takes the laws into their hands. If the Government declares that a strike is illegal, I can not say what will happen. You can not prevent human beings striking if they are compelled to slave. So far there is nothing illegal in any thing we have done.

Q. I read the last paragraph on page 5, as follows: "The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical result—direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism will be of only secondary significance." Is that not the real method of the communists to accomplish what they seek?—A. It is not a method; it is a statement of historic fact that open combat comes from the governmental action.

Q. Don't they speak on open combat and have not they been preparing for it?—A. There is no way of preparing for it except looking the facts in the face.

Q. Is there not a way by issuing propaganda, etc.?—A. Propaganda which teaches the facts of the era.

Q. Is not that the groundwork for mass action, taking over capital by force and violence?—A. Certainly not. We contend that if any violence comes will come from the capitalists. We have no arms.

Q. Then, will you explain that part which reads: "All other methods, such as revolutionary use of bourgeoisie parliamentarism will be of only secondary significance"?—A. Because in this period of the world history that is so. Parliaments have not got the control of the situation. It is the industrial conflicts that are upsetting the world. If we could settle things through parliament we would be glad to do it. It can not be done in this country or England. If we want to settle anything really serious in England we have to get an industrial congress. Parliament can not do it. That statement is a record of our interpretation of present history. I subscribe to it, but I deny your interpretation that this is preparing for force and violence.

Q. How many different branches or organizations that communists might embrace in; for instance, socialist left wing, Communist Labor Party, Communist Party, etc.?—A. I can not answer.

Q. Have you membership in the three that I have just mentioned?—A. I am only a member of the Communist Party.

Q. What do you know about the manifesto of the Third International formed at Moscow?—A. I can not quite recollect from memory. I have read it.

Q. Do you subscribe to it?—A. Yes.

Q. Mrs. Colyer, can you give me the date when you first assumed secretaryship of the Socialist Party in Boston?—A. I think it was July, 1917.

Q. Were you appointed or elected?—A. Elected.

Q. How long did you serve? In other words, how long was your first term?—A. Six months.

Q. That then expired the 31st of the following December?—A. Yes.

Q. Were you reelected the 1st of January, 1918?—A. Yes. I think I served all that year, 1918.

Q. That brings up to the 1st of January, 1919. What office were you holding the 1st of January, 1919?—A. I was not secretary then.

Q. Do you want to tell me who was secretary then?—A. I do not.

Q. Why don't you?—A. I don't desire to give any of my comrades' names.

Q. Well, did you attend the meetings pretty regularly during the first six months of 1919?—A. Yes.

Q. Don't you know that a man by the name of William James Sidis was secretary?—A. I can not answer about other people.

Q. Well, during the year 1919 was there an executive committee elected or appointed?—A. There always is.

Q. During that particular year?—A. That year was not different.

Q. Were you a member of the executive committee?—A. What executive committee?

Q. It is the C. C. C. executive committee?—A. I have been on the executive committee; yes.

Q. Were you a member of it during 1919?—A. Yes; I have been at times.

Q. Did you ever serve as secretary during 1919 of the Socialist or Communist Party?—A. Yes.

Q. And you also served as secretary of the executive committee, did you?—A. Yes.

Q. Are the duties different? In other words, the executive committee, is that a part of the general organization?—A. That executive committee has not anything to do with the central branch.

Q. It has nothing to do with it?—A. No.

Q. What are the functions of the executive committee?—A. The executive committee is the executive committee of Boston.

Q. Is that a committee that is elected or brought into existence by the communist members of the branches in Boston?—A. Yes.

Q. You were representative of what branch on that committee?—A. I was elected secretary of the committee.

Q. But didn't you first have to be delegated as a member into that committee before you were eligible to secretaryship?—A. Not always.

Q. In this instance you were not delegated?—A. I was a secretary in the Communist Party since there was a Communist Party, and I was a delegate.

Q. What is meant by the left wing of the Socialist Party?—A. I prefer not to say.

Q. As a member of the executive committee can you tell how the delegates to the Chicago convention were selected or elected?—A. I can but I don't want to.

Q. Why don't you want to?—A. For the same reason that I have refused to answer other questions.

Q. When a group of persons decided that they were going to ask for charter to legalize its actions in accordance with the communist constitution, to whom would they apply?—A. National committee.

Q. Where are they located?—A. You know as well as I do, I suppose.

Q. How many times have you served as delegate?—A. I don't remember. We are elected every six months.

Q. The first time that you were elected as a delegate where did you go to?—A. I don't wish to answer that.

Q. Did you go to Chicago?—A. No; I didn't go to Chicago.

Q. I mean did you go to Chicago during the latter part of August of last year or during September?—A. No.

Q. Have you ever been there?—A. Yes.

Q. When were you there last?—A. I have only been there once. It had nothing to do with socialism. 1918 it was.

Q. You have not been there since 1918?—A. No.

Q. Did you visit the headquarters of the Socialist Party in Chicago while there?—A. No.

Q. Do you know where they are?—A. I know where they were.

Q. Where were they?—A. I might as well keep that to myself. It is no secret. Why ask me?

Q. Mrs. Colyer, in accordance with the warrant which you have read, it specifically states that "I, John W. Abercrombie, etc., do hereby command you to take into custody the said alien and grant her a hearing to enable her to show cause why she should not be deported in conformity with law." That is why these questions are being asked, so that you may be given an opportunity to show cause why you should not be deported in conformity with law. You understand, do you, Mrs. Colyer?—A. The only thing to do is to show that I did not belong to an organization with which the warrant charges me.

Q. Do you remember that during the meeting of February 11, 1919, your secretary resigned?—A. (Nods head negative.)

Q. You don't remember that?—A. I don't wish to say anything about the meetings.

Q. Does the Communist Party elect presiding officers in the same manner as they elect secretaries? In other words, to serve for six months or a year period?—A. No. Chairman is elected at each meeting.

Q. Did you ever serve as chairman?—A. I don't believe I did. I was always secretary. [After pause:] Yes; I did once or twice. I don't want to lie about it.

Q. How many branches have you addressed outside of Boston on the teachings of the Constitution of the Communist Party?—A. I don't think I have addressed any. I am not a speaker.

Q. Well, will you say that you have not addressed any?—A. Only in business meetings. I have only taken part in business meetings.

Q. Where outside of Boston have you taken part in business meetings?—A. I don't wish to say where—at various meetings.

Q. About how many times during the latter half of 1919?—A. I don't think any.

Q. How about the first half of 1919?—A. I don't think any then. Very few occasions that I did.

Q. What do you know about a convention that was held in Brooklyn, N. Y., in July of last year?—A. I don't know anything.

Q. Did you know that there was a convention in Brooklyn, N. Y., during July 27, 28, and 29, of last year of the Socialist Party?—A. I don't know anything special about it.

Q. Do you know that there was such a convention?—A. I can not say there was.

Q. Were you there during that time?—A. No. [To attorney:] I am going to have one or two exhibits, Mr. Silver, and I will have you look at them as I pick them out.

Q. This is a questionnaire which was presented to you from which questions were asked at the time you were taken into custody, and I will ask if that is your signature at the bottom?—A. (Alien examines questionnaire.) Yes.

Q. It is presented and made part of the record in this case, marked "Exhibit No. 5." I also have here an affidavit introduced as evidence in this case marked "Exhibit No. 6." It is an affidavit of Special Agent W. B. Poole, reading in part: "On the evening of January 2, 1920, at approximately 10 o'clock p. m., he [W. B. Poole] with Nicola A. Galotti, of the Immigration Bureau, and one other, visited premises No. 1, Sunset Road, Wellesley, Mass., and found in the premises occupied by Amy Colyer a quantity of communistic literature. That said Amy Colyer, when questioned, refused to answer if she was a member of the Communist Party, availing herself of the right of legal advice. Referring to the question above again, "Where outside of Boston have you taken part in any meetings?" Do you wish to change your reply to that question?—A. No.

Q. Why do you not wish to reply to it other than what you have said?—A. Only that I do not want to answer details about any particular convention that might involve other people. I have no wish to deny any activity in general.

Q. How can it bring in other people if you simply mention where you were?—A. You want to know where the convention was held and you might want to get on the track of somebody else who was there.

Q. Where, outside of Boston, have you been actively engaged in communistic work?—A. That only helps you to make further investigation at that particular place. It does not matter to me.

Q. Will you tell me where you have been active outside of Boston?—A. No.

Q. Were you in Lawrence?—A. No; I was not.

Q. Were you in Haverhill?—A. No; I shall not answer.

Q. Were you alone?—A. I don't answer.

Q. Were you in Cambridge?—A. No answer.

Q. How many times have you attended Communist meetings in Chelsea?—A. I don't wish to answer.

Q. Did you organize the Communist Branch in Chelsea?—A. I don't want to answer whether I have or not, because, as I have said, I decline to answer. You might think that I did organize that branch. I don't choose to answer any questions about other places.

Q. On how many different occasions have you been an organizer?—A. I have not been an organizer.

Q. How many times have you organized branches?—A. Not any.

Q. How many times have you assisted in organizing branches?—A. Never.

Q. Is it a fact that the so-called Left Wing of the Socialist Party was taken over automatically by the Communist Party?—A. I decline to answer.

Q. If I were to say that I was a member of the Socialist Party left wing on the 1st day of September and I had paid my dues up to the 31st of December, 1919, would I still be a member of the left wing or a member of the Communist Party?—A. That does not seem to me to be of any relevance.

Q. It is just for a matter of learning the object.—A. The Communist Party has nothing to do with the Socialist Party.

Q. Then, in other words, if I was a socialist on the 1st day of July, 1919, and I paid my dues up to the 31st day of December, 1919, the Socialist Party went out of existence and I then was a member of the Communist Party?—A. The Socialist Party has not gone out of existence.

Q. Is there a Socialist Party?—A. Yes.

Q. Where? I mean the Socialist Party that is controlled by aliens.—A. I don't think there is a Socialist Party controlled by aliens.

Q. Is there not a Socialist Party that more or less of the membership are aliens?—A. I don't think so.

Q. Did you ever hear of the Russian branch of the Socialist Party?—A. Yes.

Q. What is meant by that?—A. Simply the Russian section.

Q. Does not that mean that most of them are not citizens of the United States?—A. It does not necessarily mean that. I don't know how many are citizens.

Q. It does not mean that?—A. No.

Q. When you hear of the Lithuanian branch of the Socialist Party, what does that mean?—A. Simply a group of Lithuanians in the Socialist Party.

Q. Of course you have heard of the split in the Socialist Party?—A. Of course, I have.

Q. When did it occur?—A. You can find that from the papers.

Q. Does not that really mean that as far as Massachusetts is concerned socialism or the Socialist Party was wiped out and the Communist Party then came into power?—A. I don't suppose they would agree that they were wiped out.

Q. Do you remember acting as secretary pro tempore on February 18, 1919, at a meeting of the executive committee?—A. I don't re-

member any special meeting. I might have been secretary pro tempore then.

Q. Is it not a fact that the left wing of the Socialist Party was then in existence?—A. No answer.

Q. Isn't it a fact?—A. I decline to answer.

Q. What was meant at that time by the left wing?—A. I decline to answer.

Q. Do you remember that the manifesto of the left wing was presented at that meeting for consideration at which meeting you were secretary pro tempore?—A. I don't wish to answer.

Q. I have here the original of a communication, "C. C. C. minutes, February 18, 1919; chairman, Frank Mack. Minutes of the meeting of February 11, read and confirmed. Communications from Wyoming S. P. and Georgia S. P. re national emergency convention filed. One from Kentucky S. P. asking for information as to left wing activities to be answered. Thirteen applications for membership accepted from Lettish No. 2. Roll call of delegates read. Nineteen present. Reports of organizer, recording secretary, and financial secretary accepted. Moved we write to national office asking them to instruct our State office as to its duties in the matter of stamp rebates from foreign-speaking federations. Minutes of executive committee of February 4 accepted. Ragan's resignation from executive committee accepted, and Sidis elected. Reports from revolutionary age board, press committee, Sunday school committee, "Katterfield" committee accepted. McDonald, of strike committee, was advised to bank money in his own account." Who is McDonald? Is his name John McDonald?—A. I don't wish to answer.

Q. Continuing from minutes: "Committee of three, Lassman, Sidis, and Nenonen, was elected to suggest indorsements of nominations for State executive committee about to be elected. Their report was accepted and the following seven were indorsed: Chester Bixby, W. T. Colyer, Julius Cornell, Louis Henderson, Charles Jansen, Frank Mack, William Sharpshooter. Election of delegate to house committee laid over. Left wing manifesto committee reported. Date for special membership meeting for discussion of this manifesto, at Dudley Street Opera House, to be fixed by executive committee. Amy Colver, assistant secretary pro tempore." Bears the stamp of the Boston Socialist Party, C. C. C. What have you to say to that communication?—A. Nothing.

Q. Is it correct?—A. (Alien examines communication.) It stands for itself.

Q. Is it correct?—A. I have nothing to say.

Q. You recognize the record which I have just read as having been put together by yourself?—A. It probably was.

Q. "Minutes of the C. C. C., February 25, 1919; chairman, Comrade Sharpshooter. Minutes of meeting February 18 read and confirmed," which are the ones we have just read. "Communication from Hermann Mattern received. Referred to labor defense committee. Communication from Detroit local, asking us to second a resolution to N. R. C., protesting against the calling of a convention in association with bourgeoisie organizations of all kinds, and against the failure to call a regular party convention, which is so urgently needed, at the same time demanding the repudiation of the congress

at Berne, Switzerland. This was approved and placed on file, the C. C. C. being a delegate body and not entitled to act in the matter. Application for charter from Jewish Roxbury, No. 2, approved. Seventeen applications received from Lettish, No. 1, and three transfers. Nine applications from central branch, and two reinstatements. Reports of organizer, financial secretary, and recording secretary accepted. Roll call read. Sixteen present. Minutes of executive committee, February 25, approved. Revolutionary age board reported. Moved that two delegates from the Russian conference be given seats on the board, with no votes, and that we elect a committee to explain the position of the C. C. C. in the matter. Amended to adjourn the question for one month. Amendment carried. Leader committee reported, suggesting that the C. C. C. lay over the matter of electing a leader agent until after the election of the State committee. Carried. Press committee reported. Letter to press passed. Moved that names of candidates for the State committee indorsed by C. C. C. be published this week in the Revolutionary Age and New England Leader. Carried. Moved to elect committee to boost these as far as possible. Comrades Bloom, Colyer, Lassman, Hedrick, Sharpshooter elected. Amy Colyer, assistant secretary pro tem." Mrs. Colyer, referring to the last committee, where it says "Colyer," does that mean you?—A. I don't know; it might. [Alien examines communication.] It might mean me and it might mean my husband.

Q. So far as your recollection serves you, does it not mean you?—A. I don't remember.

Q. Where it say, The Revolutionary Age, is that a——A. That is a periodical.

Q. That is not the question. And the Ring Leader?—A. Yes.

Q. Are those Communist papers?—A. This is all Socialist Party minutes.

Q. Left Wing Socialists?—A. We had no title. We were simply the Socialist Party.

Q. But weren't you known at that time as the Left Wing Socialists?—A. Some were for and some were against, that is all. The organization was simply known as the Socialist Party.

Q. Is that your signature there? [Alien examines report of February 25.]—A. Yes.

Q. Well, at this time, had they not already adopted the manifesto of the Left Wing of the Socialist Party?—A. I don't want to answer that. It has nothing to do with the Communist Party.

Q. When did these two papers which I have mentioned become the organs of the Communist Party?—A. They are not Communist Party papers at all.

Q. Are they not controlled now, and edited by the Communist Party?—A. No.

Q. Who is in control of them?—A. I don't think they exist now.

Q. When did they go out of existence?—A. Probably at the time of the division of parties.

Q. When was that?—A. You know.

Q. When was that?—A. I don't wish to say.

Q. Was it September of last year?—A. I decline to answer.

Q. What papers represent the Communist Party in Massachusetts?—A. I decline to say.

Q. Where is it published?—A. I decline to say.

Q. What is there at 885 Washington Street? Executive office?—A. I decline to say.

Q. Who is in charge of the offices at 885 Washington Street?—A. I decline to say.

Q. Have you ever been in charge of them?—A. I decline to say.

Q. There is a library there, is there not?—A. I decline to say.

Q. Do they sell papers or pamphlets at that address?—A. I decline to say.

Q. The money that is received for pamphlets and papers, what becomes of it?—A. I decline to answer.

Q. How are the delegates' expenses met?—A. I decline to answer anything about the organization.

Q. How many delegates were sent from Boston to Chicago? That is, elected by the executive committee?—A. I decline to answer.

Q. Do you know how many delegates are elected to attend a convention?—A. I do, of course.

Q. Will you tell us?—A. No.

Q. Why not?—I have said so many times that I have no wish to help you in your work.

Q. I have here "Minutes of the C. C. C. executive committee, March 11, 1919." I will read parts of it, as follows: "Report of financial secretary accepted and bills ordered paid. Question of left wing convention discussed. Moved that C. C. C. adopt the following declaration: The time for the convention to be Saturday, June 14, 1919. Carried. Amendment that local Boston favors the calling of a left-wing convention shortly before the national emergency convention. Lost. Committee of five elected to carry out the business involved in the declaration—Maurin, Jansen, Fraina, McDonald, Silin." And another paragraph of the same record: "Moved that organizer be instructed to get in touch with the Russian federation in the work of organizing the unemployed. Carried. Moved that executive committee be instructed to start arrangements for May Day. Carried. Comrade Thomas Small was seated as delegate from Mattapan branch. Submitted by Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. (Alien looks at signature.) Yes.

Q. So far as I have read the records, they are correct being over your signature?—A. Yes.

Q. I will read from executive committee, C. C. C., March 18, 1919, second paragraph: "Organizer reported visit to the Russian No. 1, where he consulted with the comrades re the unemployed, discussing with them the question of providing room for meetings, and arranging for a parade. Also reported work in connection with the left wing of the Quincy Finnis branch, where he has been asked to arrange for chairman and one English speaker at all their meetings. Following suggestions were made with regard to May Day: (1) General Socialist holiday; (2) assembling at headquarters at 10 o'clock to 12, parade to Common 2.30, meeting on Common 3.30 followed by parade back to Roxbury to headquarters of Lettish branches, entertainments at both these places with at least one speaker; (3) appointment of May Day committee; (4) special edition of Revolutionary age. Submitted by Amy Colyer, assistant

secretary pro tempore." I will ask you if that is your signature?—A. (Examines signature.) Yes.

Q. Was there any clash with the authorities during the May Day celebration?—A. I don't wish to talk about that.

Q. Where were you at the time?—A. I was in Boston. I was at home, I mean.

Q. In Wellesley?—A. Yes.

Q. You were not in Boston during that celebration?—A. Yes; I was in Boston on May Day.

Q. About what time did you get into Boston?—A. In the middle of the morning.

Q. What time was the parade? In other words, did you get in before the parade started?—A. I was not in the parade.

Q. Were you in Roxbury?—A. Yes.

Q. Were you there when the clash took place between the authorities and the paraders?—A. I was not in the parade.

Q. Were you there when the clash took place between the authorities and the paraders?—A. Yes.

Q. Do you know what brought it on?—A. Yes; I know what brought it on.

Q. What was it?—A. The police fired on the people.

Q. What reason did they have?—A. I wonder myself.

Q. Of course, you believe in law and order?—A. Yes; I do.

Q. What kind of law and order do you believe in?—A. I don't know how many kinds there are.

Q. Do you believe that if a city or a State makes laws or ordinances that they be complied with?—A. Yes.

Q. Was it a violation of the ordinances of the city of Boston that caused the clash that day?—A. No.

Q. What was it?—A. I said that the police fired on the people.

Q. Without cause?—A. Yes; without cause.

Q. Where were you that you would come to that conclusion?—A. I don't know what you mean. [After a pause.] Might I say that my understanding is that May day parade was merely a group of people walking from one place to another. They carried red flags; but it is not illegal in Massachusetts to carry red flags, so that I do not think there was a law violated that day.

Q. I have here a sheet of paper with minutes of the membership meeting, March 30, 1919. This sheet is headed "Local, Boston, Socialist Party, 885 Washington Street, Boston, Mass." Following, "Chairman, C. G. Brey. Minutes of membership meeting of December 15 read and confirmed. Communications: (1) From Lettish Branch, No. 2, giving text of a resolution passed by that branch against the attempt to call an amnesty convention and demanding the call of a national emergency convention of the Socialist Party. Moved that this meeting adopt the resolution; carried. (2) From W. T. Colyer, suggesting the election of a committee to take up with the new State committee the question of making The Revolutionary Age the organ of the State. Moved to accept; amended to lay over until after the report of The Revolutionary Age board; amendment carried. (3) From W. J. Sidis, making suggestions with regard to applications for English-speaking branches and further suggestions as to the left-wing program. Moved to accept and open for

action; amended to refer the first set of proposals to C. C. C. and the second set to the left-wing discussion; amendment carried. Discussion on left-wing program printed in *The Revolutionary Age* of March 22, 1919. Moved to accept the left-wing program as a basis of our political stand until such time as a left-wing congress shall meet; amended to consider the program seriatim; amendment carried. The sections of the manifesto as far as the section headed 'Political action' were then accepted, with this one alteration, namely, the substitution of the words 'the proletariat' for the word 'themselves' in the following sentence, to be found in the third paragraph of the section headed 'Sparticides and Bolsheviki': 'And now came the crucial test: Would they, in accord with Marxian teachings, make themselves the ruling class? * * * In the sentence, as printed in *The Revolutionary Age*, the word 'themselves' refers to the subject of the previous sentence, namely, 'the Mensheviki and Social-Revolutionists.' In the section headed 'Political action' various amendments were proposed. Those to (1) strike out the last sentence of paragraph 4, and (2) strike out paragraphs 2, 3, and 4, except the last sentence, were lost, and the following were adopted: (1) To strike out the words 'with provisions to safeguard small investors' from paragraph (c); (2) to add a paragraph (g), as follows: 'Union with any régimes based on the dictatorship of the proletariat that may exist elsewhere.' Notice of other amendments had been given, but at this point the meeting voted to suspend the present discussion and to hear the report of *The Revolutionary Age* board. Motion to accept the suggestion of the board, namely, to grant Fraina and Maurin 15 minutes each to present the two sides on the question of removing the paper to New York; amended to give these two unlimited time and further speakers 10 minutes; amendment carried. Moved that the following statement be adopted by this meeting: 'Local, Boston, intends to keep *The Revolutionary Age* in Boston until a national convention of left-wing organizations shall be held. Organizations taking part in said convention should agree with the tactics of Bolshevik Russia and the left-wing manifesto as published in the March 22 issue of *The Revolutionary Age*. Delegates in said convention should have voting power in proportion to membership represented. Local, Boston, intends to turn over the paper to the executive body elected by such a convention.' Amended to move the paper to New York within three weeks, the ownership and control to be kept in the hands of local, Boston, details of management to be arranged by Boston C. C. C. in consultation with the left wing of New York. Amendment was lost, 85 to 90. Motion carried. Adjournment. Submitted by Amy Colyer, assistant secretary pro tem." Is that your signature?—A. (Alien examines signature.) Yes.

Q. The record stands for itself as being correct over your signature?—A. Yes.

Q. Have you any children?—A. No.

Q. Have you or your husband taken up the study or tried to secure information relative to naturalization in the United States?—A. We have not made any special study. We knew we would have to wait five years before we could become citizens.

Q. This communication bears the same heading, "C. C. C. minutes, April 1, 1919." One paragraph on page 2 reads as follows: "Min-

utes of executive committee read. Moved to elect May day committee of five. Comrades Silin, Jansen, Sidis, Mack, and Backman elected. Committee to meet every Friday night and to get into connection with all possible organizations likely to cooperate. Date of membership meeting to be fixed next meeting." Is that your signature?—A. (Alien examines signature.) Yes.

Q. And the record is correct as over your signature?—A. Yes.

Q. I have here records of the minutes of the C. C. C. under date of April 8, 1919. I shall read portions of it, commencing with "Reports of organizer and secretaries accepted. Full report of Grand Opera House meeting. April 7 to be given next meeting. Report of Revolutionary Age Board considered seriatim. Moved that local, Boston, shall not pay \$50 per week to any writer for the Age. Lost. Board was instructed to see that in the contract with John Reed it shall be clearly stated that the board is to have exclusive rights over John Reed's work. Moved that Comrade Fraina's salary be raised to \$45. Carried (10 to 9). Moved Comrade McAlpine, who has resigned from the paper, be paid \$10 a week for the next two weeks for contributions to be sent from New York. Carried. Board was instructed to publish notices asking for unpaid contributions to the paper." Page 2, paragraph commencing "Comrades Jurgis and Friedman, of the literature distribution committee of Fore River and Squantum shops, were given the floor. Moved that May day committee be instructed to cooperate with this committee in distributing May day literature. Fifty dollars was voted for this purpose. General membership meeting was fixed for Sunday, April 27, at 3 o'clock. Executive committee was instructed to consider action re the unemployed. By Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. (Examines communication.) Yes.

Q. And the records are correct?—A. Yes.

Q. Here is a communication headed "C. C. C. executive, April 15, 1919. Chairman, W. J. Sidis. Communications: From Berenberg re Humphries lecture, laid over; from Gerner in answer to general membership resolution, referred to general membership meeting April 27; from Lettish 1, and from Katterfield, referred to C. C. Organizer's report considered. Suggested that open-air meetings be held as previously on the Mall Sundays, Pemberton Square Saturday evenings, Blue Hill Avenue Friday evenings. Unemployment to be subject at meetings. Following resolution passed and sent to Miss Julia S. O'Connor: 'That the executive committee of local, Boston, Socialist Party, heartily congratulates the telephone operators of New England upon their solidarity and upon the firm stand they have taken in calling the present strike; that it cordially wishes them every success and would be glad to know if there is any way in which it can be of assistance in this phase of the perpetual and inevitable struggle between the wage-earning and the employing classes under capitalism.' Submitted by Amy Colyer." Is that your signature?—A. (Alien examines signature.) Yes.

Q. And is this record correct?—A. Yes.

Q. Do the female members of the Communist Party have the same voting power as the males?—A. Precisely.

Q. They accept the same responsibilities as the males, do they?—A. Yes.

Q. I have here minutes of the C. C. C. executive, April 22, 1919: "Chairman, Frank Mack. The drawing up of an unemployment leaflet was referred to the press committee. Amy Colyer." Is that your signature?—A. (Examines signature.) Yes.

Q. Is Mr. Mack detained here with the others?—A. I can not tell you.

Q. Have you seen him?—A. I decline to answer.

Q. Well, the alien who has been detained here under the name of Frank Mack, is that the person that has been referred to in so many of your communications?—A. I decline to answer.

Q. Do you know a person by the name of Ime Kaplan?—A. I decline to answer.

Q. Can you remember about how many times you saw him at 885 Washington Street, Boston?—A. I don't answer about anybody else.

Q. Do you know whether or not he ever assisted in organizing communist branches?—A. I decline to answer.

Q. He makes a statement that he has; what would you say to that?—A. Nothing.

Q. This is the same heading: "Minutes of general membership meeting, April 27, 1919. Chairman, W. J. Sidis. Minutes of membership meeting, March 30, read and confirmed. Correspondence: (1) From Comrade Germer, in answer to resolution sent to the national office from last membership meeting; filed. (2) From Comrade Fraina; laid over to new business. (3) From Lettish Branch No. 1, submitting three resolutions. Resolution 1, calling upon the State committee to take steps toward suspending publication of The New England Leader, was carried, an amendment to lay over to the State convention being lost. Resolution 2, calling upon the State committee to indorse The Revolutionary Age as our State paper was carried with the amendment calling upon the State committee to initiate a referendum making it possible to allocate the dues money now spent on The New England Leader to The Revolutionary Age. Resolution 3 was carried with resolution 2, re left wing magazine. Motion to suspend order of business and to proceed to new business lost. Adjourned discussion of left wing program. Political action section: amendment to delete from section (e) all words from and including the word 'provision' carried. Amendment to insert the word 'bourgeois' before the word 'State' in the last sentence of the fifth paragraph and also before the word 'State' where it first occurs in the second sentence of the sixth paragraph, carried. Amendment to strike out the words, 'anarcho-syndicalist' and 'anarcho-socialist' from the sixth paragraph. Program, section 1, adopted. Amendment to add the following was lost: 'That all the land and workshops and public utilities be conscripted in the interest of all the people; that the hours of work to be six per day, or in proportion, so that all males and females, 18 years of age and over, shall have the right to work, who so desire: that the remuneration shall be \$1 per hour.' Sections 2, 3, 4 adopted. Sections 5 and 6 to be replaced by the following: 'We demand that no propaganda organization (including the press, educational institutions, etc.) be officially recognized by the party unless they are party owned and controlled.' Sections 7, 8, 9, and 10 adopted.

Motion that this meeting adopt the left wing manifesto and program as printed in *The Revolutionary Age* of March 22, and that the amendments carried at this meeting and at the meeting on March 30 be submitted to the left wing national convention, carried. Questions of delegates to left wing national convention. Moved to nominate delegates at this meeting and to initiate a referendum vote, carried. Amendment to ask the branches to vote at their branch meetings was lost. The following were nominated: Fraina, Maurin, Jansen, Jurgis, Henderson, Colyer, Zelms, Brey, Klaver, Aranoff, Sahlitz, Rihonef. The secretary was instructed to take a census of members in good standing in order to determine the number of delegates local, Boston, may elect. Reports of financial secretary, press committee, and May day committee accepted. New business, re Comrade Fraina's letter, the following resolution was carried: 'That this meeting of the general membership of local Boston indorses the action of the C. C. C. on April 22, with regard to the salary of the editor of *The Revolutionary Age*, that it furthermore decides to issue subscription lists to all branches on behalf of Comrade Fraina's sick family.' An amendment indorsing the previous decision to raise the salary to \$45 was lost. Submitted by Amy Colyer." Is that your signature?—A. (Examines communication.) Yes.

Q. And what I have read is correct?—A. Yes.

Q. What do you know about anarchism, Mrs. Colyer?—A. I don't know.

Q. What books have you read on anarchism?—A. I don't think any. I am not an anarchist.

Q. Have you listened to any lectures on anarchism?—A. No; I don't think so.

Q. Will you say that you have not?—A. Yes.

Q. Will you say that you have not read any books on anarchism?—A. Yes; I think so.

Q. What is an anarchist?—A. (After a long pause.) Can you or the Government define an anarchist?

Q. I am asking you what is an anarchist?—A. If by an anarchist is meant someone who uses terrorism the Communist Party is against that. The Communist Party is not a terrorist organization. It definitely repudiates it in its papers. It does not believe anything is to be gained by individuals being killed with bombs.

(Alien is anxious to know whether her answer as to anarchism will be put into the record.)

Q. This is taken from the translation from the Russian of the pamphlet with the following title sheet: "Novomirsky. Manifesto of anarchists-communists. Published by the Federation of Unions of Russian Workers of the United States and Canada. New York, 1919." I will refer to page 14 as follows: "As the labor organizations of the present are the germs of future free associations, as the natural weapon of the laboring class, the strike, is the seed of our tactics. We see that the proletariat, along with the development of capitalism, more and more broaden and deepen their struggle; partial strikes lose their significance, and mass strikes pass into general ones. What must we do, the vanguard of the proletariat? We must consciously hasten the elementary movement of the struggle of the

working class; we must convert small strikes into general ones, and convert the latter into an armed revolt of the laboring masses against capital and state. At the time of this revolt we must at the first favorable opportunity proceed to an immediate seizure of all means of production and all articles of consumption, and make the working class the masters in fact of all general wealth. At the same time we must mercilessly destroy all remains of governmental authority and class domination, liberating the prisoners, demolish prisons and police offices, destroy all legal papers pertaining to private ownership of property, all field fences and boundaries, and burn all certificates of indebtedness—in a word, we must take care that everything is wiped from the earth that is a reminder of the right to private ownership of property; to blow up barracks, gendarme and police administration, shoot the most prominent military and police officers, must be the important concern of the revolting working people. In the work of destruction we must be merciless, for the slightest weakness upon our part may afterwards cost the working class a whole sea of needless blood. In completely destroying all vestiges of the dominion of capital and state, we must try as soon as possible to start production upon new foundations. That is, extend the existing labor organizations and their unions, and give production over to them. Every city should begin the work separately, and proclaim a commune; that is, the union of all free labor organizations will become masters of the city. At the first favorable opportunity, the city commune will get in touch and establish relations with the surrounding village communes. The extension of the union and the unification of all communes into one grand national and international federation is a matter of further development.” Did you ever hear such teachings as that?—A. No.

Q. Now, that you have heard it, do you subscribe to that teaching?—A. No; I don't. I should think that would be forgery—I don't think that the people to whom it is credited ever wrote it.

Q. One paragraph from the C. C. C. minutes of June 3, 1919, as follows: “Comrade Fraina reported for the left wing committee and as delegate to Buffalo and Chicago. Report accepted and bill ordered paid.” Was there a convention previous to September in Chicago?—A. I decline to answer.

Q. Was there a convention in Buffalo?—A. I decline to answer.

Q. You know Comrade Fraina?—A. I decline to answer.

Q. This is your signature, is it not, on this communication of June 3?—A. (Examines communication). Yes.

Q. And the record is correct?—A. Yes.

Q. Minutes of the C. C. C. June 10, 1919: “Chairman W. J. Sidis. Minutes of June 3 read and confirmed. Correspondence: (1) Report from Hyde Park Branch accepted and Delegate Kepley seated. Moved that Rev. Age board be asked to advance money for expenses of delegates of left wing. Cd. Moved that C. C. C. request branches to raise sums equivalent to 10 cents per member to cover expenses of these delegates. Carried. Secretary was instructed to provide left wing delegates with copies of (1) the amendments to the manifesto and program passed by local Boston on March 30 and April 27; (2) the resolution passed on March 30 with regard to handing over the Revolutionary Age to national body, and (3) the resolu-

tion passed April 27 with regard to a left-wing magazine. Ballot committee reported Comrades Fraina, Jurgis, and Maurin to have been elected to left-wing convention by the following votes: 1,029, 597, 590. W. T. Colyer resigned as financial secretary and chairman of press committee. Comrade Pallo elected financial secretary to fill the vacancy, and I Carmen elected to press committee. Comrade Bixby was given the floor to speak concerning the plant strike, now of four weeks' duration, and advocated the election of a committee for the raising of funds. Moved to elect committee of three. Bixby, Hansen, and Carmen elected. Adjournment. Submitted by Amy Colyer, assistant secretary, pro tem." Is that your signature?—A. (Examines communication). Yes.

Q. C. C. C. executive committee, June 17, 1919: "Chairman Frank Mack." I shall read as follows: "Left-wing delegates to national convention to be asked to report at the general membership meeting on June 29 at Dahlgren Hall, 3-9 E Street, South Boston. A collection to be taken at that meeting for local funds. Motion carried that whereas under the altered conditions of the call to the left-wing convention (altered after the sending out of ballots) Local Boston is entitled to four delegates at that convention, be it resolved that Comrade Jansen, who polled the next highest vote in the election, be given credentials to the convention." Another paragraph: "Statement from national office was received, and secretary reported that Editor Frania had seen and made use of it. Communication from Wagenknecht, State secretary of S. P. Ohio, referred to membership meeting. One left-wing ballot received after the count." Is that your signature?—A. (Examines signature.) Yes.

Q. From C. C. C. meeting of June 24, 1919. "Correspondence: (1) From Lettish No. 1, promising contribution of 10 cents per member toward expenses of left-wing delegates accepted. (2) From Lettish No. 1, embodying a resolution with regard to money raised by the branch during its red week. Executive committee instructed to find out particulars as to amount of red week money paid. Recording secretary's report accepted. Comrade Plepis was empowered to appoint a committee responsible for admitting members to general membership meeting June 29, only those to be admitted who present red cards or can be vouched for by branch officers. Plant strike committee given power to cooperate. Lawrence strike committee reported \$139.57 in bank. Moved money be turned over to C. C. C. to be used for defense of Comrade Fraina. Carried with amendment that all further money received be turned in to C. C. C. An amendment that money be held by C. C. C. to be used only for strike purposes was lost. Committee was instructed to call in all outstanding lists. Auditing committee reported auditing work of W. T. Colyer and part of the accounts of Revolutionary Age Board. Moved that C. C. C. buy 200 copies of the Worker every week, to be mailed to addresses supplied by the mass meeting committee. Cd. Submitted by Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. Yes; and it is correct.

Q. Minutes of general members in meeting of June 29, 1919: "Chairman, W. J. Sidis. Minutes of membership meeting, April 30, 1919, were read and confirmed. Communication from Comrade Wagenknecht, State secretary of Ohio, calling for seconds for a

national referendum to annul certain acts of the national executive committee. Moved that Local Boston second the resolutions, notify Local Cleveland, the initiators, and ask them to initiate a similar referendum with regard to Massachusetts, now expelled from the party. Carried. Moved that a committee be elected to reply to the action of the N. E. C. in a statement for publication in the Socialist Press. Carried. Comrades Henderson, Golosov, Goldberg, and W. T. Colyer elected. Moved to give Comrades Jurgis and Maurin, delegates to the left wing national convention, 20 minutes each to report, other speakers 5 minutes. Time of the delegates was later extended. Moved to advise the State executive committee to call an emergency convention. Carried. Submitted by Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. [Examines signature.] Yes.

Q. Does that not show, coming back to one of the questions in the previous part of the hearing, that at this particular time the socialists of Massachusetts were out of the party?—A. Those minutes say that the party that then was to be expelled.

Q. This is a record written on the Central Branch Boston Socialist Club, 885 Washington Street, Boston, Mass. "Report to C. C. for October, 1919. Central Branch has received its charter in the Communist Party of America. Four new members were received, under the old conditions, two transferred from the old ward 23 Branch and one application from Rev. R. F. Cady, of Caston, Mass., was rejected. A resolution of sympathy with the striking policemen was passed and sent to the policemen's union, which duly acknowledged the same. A resolution asking executive committee of C. P. to take steps immediately for bringing about unity with C. L. P. was passed, forwarder to the national office, and also to all branches in the Greater Boston district. The branch has ordered a regular bundle of 100 copies of the Worker. It has held four educational meetings, at which De Leon's pamphlet, "Reform or Revolution," and also the communist manifesto have been discussed. The propaganda committee, with the organizer, have arranged a series of six propaganda meetings on Sunday evenings, beginning next Sunday, November 2, when Comrade Sproyle will be the speaker. "Communism and Americanism" the subject. There will be music, questions, and discussion. Amy Colyer (Sec.). Is that your signature, and is the communication correct?—A. (Examines communication.) Yes.

Q. Here is a communication, undated, and reads as follows: "Dear Comrade Sproyle: I am told that you have not been asked 'officially' to speak at the revolution celebration meeting at the Grant Opera House on November 16, Sunday afternoon. Have you been asked unofficially? Anyway, this is to make of you the formal request, to which we greatly hope you may be able to reply favorably. Fraternally, yours, Amy Colyer (Sec. Local)." Referring, Mrs. Colyer, to the communication just preceding this, to that part which says "Four new members were received under the old conditions," just what is meant by that?—A. I decline to answer.

Q. Now, again, calling your attention to this report of October, 1919, referring to the particular part, "The branch has ordered a

regular bundles of 100 copies of *The Worker*"; is not *The Worker* the Communist paper?—A. I decline to say.

Q. Is it not the succession of the paper known as the *New England Leader*?—A. I decline to answer.

Q. Where is *The Worker* printed?—A. I decline to answer.

Q. Have you written articles for it?—A. No; I have not.

Q. Have you written articles for the paper that preceded it or the paper that *The Worker* succeeded?—A. No.

Q. Have you written any articles for any paper?—A. No.

Q. I have here a communication headed "Central Branch, Boston Communist Club ('Socialist' is crossed out), 885 Washington Street, Boston. October 8, 1919. Dear Comrade Cosgrove: The Central Branch will take 100 copies of the *New England Worker* fortnightly. Kindly address bundle to me at headquarters. Will leave money for you to-morrow (Thursday) at 885. Fraternally yours, Amy Colyer, secretary." [Alien examines communication.]—A. That is my signature.

Q. Who is Comrade Cosgrove?—A. I decline to answer.

Q. Is he connected with the headquarters at 885 Washington Street?—A. I decline to answer.

Q. Have you any friends or acquaintances at 1219 Blue Island Avenue, Chicago, Ill.?—A. No; I don't think so.

Q. Have you ever written to that address?—A. I decline to answer.

Q. Have you ever received any communications from there?—A. I don't remember what the address is.

Q. I hand this to you, do you recognize it. [Inspector hands to alien a roller such as newspapers or magazines are sent in by mail.] A. Yes; I recognize it.

Q. What is it?—A. It is a communication from 1219 Blue Island Avenue.

Q. What was inclosed in it?—A. I am not quite sure.

Q. What do you think was inclosed in it?—A. That is the charter, isn't it?

Q. I have here a charter of the Communist Party of America, Central Branch, Boston, State of Massachusetts. Is that what came in it?—A. Yes.

Q. This is the charter of your branch, is it?—A. Yes.

Q. How many members has your branch?—A. I decline to answer.

Q. You as secretary and as secretary pro tempore are in a position to know, are you not?—A. Yes.

Q. Would you say there are 100?—A. I decline to answer.

Q. What are the dues of your branch?—A. Forty cents per month; everybody in the Communist Party.

Q. Are there any special assessments?—A. There have not been so far. We have not been in existence long enough to have special assessments.

Q. Does the constitution give authority for special assessments?—A. Yes; I think so.

Q. (The following communication is submitted, and part of it is in the handwriting of Mrs. Colyer. Such is admitted and accepted by her:) "Free translated from Russian by I. B. for the Central Executive Co. Com. P., Boston. To all the branches of the Russian

Communist Federation. Dear Comrades: After deliberating the question about our federation taking part in the technical conference called by the local soviet bureau, the central executive committee, after thoroughly familiarizing itself with this question from all sides, came to the following decision: Our federation, which is a political organization, whose duty is to develop the class consciousness of the workers by spreading the principle of communism, we can not waste our energy by taking part in such like conferences, which, under the existing American conditions, can not but fail to turn into an empty talk feast. The only real motive for calling such a conference can be the necessity of taking count and classing all the available technical talent who are ready in the opportune moment to give support to soviet Russia; but taking into consideration the present political situation in this country, it can be said with confidence that neither at the present moment nor in the near future is there any chance to send over all the registered technics to Russia, and therefore the only task about this question at the present moment is the making of a list of specialists in the different branches of industry. But for the sake of taking this list only, there is no need of calling a special conference. This can be successfully accomplished through the existing Russian Bolshevik federation understanding the problems of the coming conference only so and not otherwise. The central executive committee, standing guard over the principles of our federation, thinks that our branches have nothing to do at this conference. There is no question but that the call of Comrade Martens will be answered by the most diversified political elements of the United States. There will be our political enemies—anarchists—who in the interest of drawing the credulous masses will not be embarrassed by unnecessarily repeating their oath of their so-called allegiance to soviet Russia and its Government. There will be also the so-called independent organizations who but yesterday gave their allegiance to the Kerensky government and to-day are keeping up the hand kissing of the priest. There will also be individual specialist mechanics who in the hunt for pork will not refuse to take part in any convention whatever. But the branches of our federation who always, everywhere, are conducting an active campaign with the intention of tearing away the working masses from these hurtful political elements, can not participate in this convention, which for the above-named reasons will not bring the desired results. We are convinced that the problems of this convention can be solved without this unnecessary loss of proletarian energy. With comradely greeting, Central Executive Committee of the Russian Federation; secretary, O. Tywerowsky. (Original kept by Russian 1.—A. C.) Are those your initials, Mrs. Colyer?—A. (Examines initials.) Yes.

Q. Another communication which is marked with Mrs. Colyer's initials, A. C., and it says original kept by Russian No. 2, is as follows: "Free translation from Russian by I. B. for Cent. Ex. Co. Communist Party, Boston. To all branches of the Russian Federation. Dear Comrades: We are receiving some inquiries in connection with the call that appeared in the newspapers from the local representative of the soviet republic; Comrade L. Martens, where he calls together a technical conference for the 4th of July, 1919. The central executive committee (of the Russian Federation) taking

into consideration the whole importance of this question, recommends the branches not to decide on any action pertaining to this question until they receive special reasons from the central executive committee, which will be sent out in the near future. With bolshevik greetings, the central executive committee of the Russian federation. Secretary, O. Tywerowsky." Now, again calling your attention to the charges in the warrant, have you anything to say relative to them other than what has been brought out in this testimony?—A. I am not quite sure what is on the records, but I would like to say in connection with the exhibits that have been put on record that I accepted them as you read them out to me, my understanding being that nothing that you read advocates the overthrow of the Government by violence, and I would like to definitely state again with regard to the warrant that [reads warrant again] I am not a member of or affiliated with an organization that entertains the belief in the overthrow by force or violence of the Government of the United States; that I am not a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that I am not a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that I am not a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that I am not a member of or affiliated with an organization that teaches opposition to all organized governments; that I am not a member of or affiliated with an organization that entertains opposition to all organized government. I would like to say that I do not know of any organization in the United States that advocates the overthrow of the Government by violence. You say that I am to prove that to you. I don't know how to. That is my affirmed conviction—I am quite sure I am right.

Q. If it is determined that the Communist Party, a party which you have acknowledged membership in, activity in, comes within the purview of the act of October 16, 1919, do you realize that membership in that organization may mean deportation in conformity with law?—A. Yes, of course; because I have to.

Q. Have you anything further to say why you should not be deported in conformity with law?—A. I think the Secretary of Labor in making such a ruling simply misinterpreted our movement.

Q. In the event that it is decided that you be deported in conformity with law, where do you wish to go?—A. I take exceptions to "in accordance with law," but I would like, if deported, to go to Soviet Russia. But I should like, of course, to go where my husband goes. I say that under the belief that he will agree. He has not had his hearing yet.

Q. In other words, you wish to confer with your husband relative to the selection of the place you shall be sent to?—A. If I am allowed to, I shall like to.

Q. The immigration law is that you shall be returned to the country from whence you came, is there any reason why you should not be returned to England, and then you can use your own discretion about going to any other part of the world that you desire other than the United States?—A. I wish to go to Soviet Russia, because that is the government under which I would prefer to live

and to work. I am uncertain as to the possibility of going there if once I get to England.

Q. Why, if you once get to England?—A. I don't imagine that they would give me a passport.

Q. That your own country wouldn't give you a passport to go to Russia?—A. I know they wouldn't let Henry MacDonald and Morrell go as international delegates to Soviet Russia.

Q. Do you recognize that England is the country that you are a subject of?—A. Yes.

(Description of alien: Five feet 3 inches, height; dark hair, dark brown eyes, and weighs 104 pounds.) /

SUMMARY AND FINDINGS.

Amy (Withal) Colyer, 38 years old; can read and write; married; husband William Thomas Colyer, United States address: No. 1 Sunset Road, Wellesley, Mass.; born in London, England; citizen or subject of England; arrived in the United States July 27, 1915, per steamship *Carpathia*, Cunard Line, port of New York; does not wish to become a citizen of the United States.

I find that the said Amy (Withal) Colyer is an alien, citizen, or subject of England; that she was taken into custody upon information and affidavits furnished by agents of the Department of Justice; that she was a member of the Independent Labor Party or Socialists in England and became a member of the Socialist Party almost immediately upon arrival in the United States, this party becoming the "left wing" and which was absorbed by the Communist Party early in 1919; that she admits membership and continuous activity in the Communist Party up to the time she was taken into custody; that she is familiar with the teachings and manifesto of said Communist Party and unhesitatingly supports them. I further find that this alien comes within the purview of the act of October 16, 1918; that she is a member of, or affiliated with an organization that advocates the overthrow by force and violence, of all forms of law; that she is a member of or affiliated with an organization that teaches opposition to all organized Governments; that she is a member of or affiliated with an organization that entertains opposition to all organized Governments; therefore after considering all the evidence in the case, I recommend that she be deported in conformity with law.

NOTE.—Alien's husband is now in custody, under the same conditions as his wife, Amy (Withal) Colyer. Mrs. Colyer stated that her friends, if she is to be returned to England, will attend to her personal effects and she desires to accompany her husband in the event of deportation.

MARTIN J. LEONARD,
Immigrant Inspector.

MEMORANDUM TO THE COMMISSIONER GENERAL OF IMMIGRATION.

Amy (Withal) Colyer, 38 years old; can read and write; married; husband, William Colyer; United States address, No. 1 Sunset Road, Wellesley, Mass.; born in London, England; citizen and subject of England; arrived in the United States July 27, 1915, per steamship *Carpathia*, Cunard Line, port of New York; does not wish to become a citizen of the United States.

The said Amy (Withal) Colyer is an alien, citizen or subject of England; was taken into custody on information and evidence furnished by the agents of the Department of Justice. During her residence in her native country she was a member of the Independent Labor Party, or socialists, and became a member of the Socialist Party almost immediately upon arrival in the United States. This party was absorbed by the Communist Party during the early part of 1919, and she admits membership and continuous activity in the Communist Party (pp. 7 and 10) up to the time that she was taken into custody. She is a very well educated woman, and during the testimony it is very evident that she takes particular pride in stating that she is familiar with the teachings and manifesto of the Communist Party. She has been active in the work of the Communist Party, serving on committees, secretary of meetings, and clerical work at headquarters of the Communist Party, 885 Washington Street, Boston, Mass., typewriting articles for communist periodicals for her husband, William Thomas Colyer, and lecturing (p. 5). She is opposed to and has no desire to support the Government of the United States. She states, on page 7, that she is not in favor of her husband becoming a citizen of the United States. Asked why, her reply is, "I should not wish to swear allegiance to this Government." Q. Why?—A. I entirely disapprove of it. Q. In what way do you disapprove of it?—A. As a communist I am opposed to all capitalist governments. On page 9: Q. You have already said that you were a communist; what do you mean by that?—A. I mean a revolutionary socialist. As far as I understand, a socialist and a communist is the same, but the word "socialism" has become vague in its meaning and the communists agree among themselves more now than the socialists do. Page 7: Q. Are you a radical?—A. Certainly. Q. What do you mean by radical?—A. One who desires the present system of society radically altered.

A number of exhibits have been read into the record, and in so far as they relate to her, she admits the records are correct, and accepts the responsibility.

The hearing of this case has been gone into very minutely, for the purpose of determining the scope of the workings of the Communist Party in Boston and its vicinity. While this alien denies that any of the charges of the warrant are sustained, yet the examining inspector finds that said alien comes within the purview of the act of October 16, 1918, and recommends deportation.

MARTIN J. LEONARD,
Immigrant Inspector.

WARRANT—ARREST OF ALIEN.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF LABOR,
Washington.

No. 54810/209.

To H. J. Skeffington, commissioner of immigration, Boston, Mass.,
or to any immigrant inspector in the service of the United States.

Whereas from evidence submitted to me it appears that the alien,
W. T. Colyer, who landed at an unknown port on or about the 1st

day of January, 1919, has been found in the United States in violation of the immigration act of February 5, 1917, for the following among other reasons: That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches opposition to all organized government; that he is a member or affiliated with an organization that entertains opposition to all organized government.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1920." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$10,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 30th day of December, 1920.

JOHN W. ABERCROMBIE,
Secretary of Labor.

MEMORANDUM TO THE COMMISSIONER GENERAL OF IMMIGRATION.

William Thomas Colyer, 36 years old, can read and write, married, wife Amy Colyer, United States address No. 1, Sunset Road, Wellesley, Mass.; born in London, England; citizen or subject of England; arrived in the United States July 27, 1915, per Steamship *Carpathia*, Cunard Line, port of New York. Obtain first citizenship papers January, 1916, at Boston, Mass., but now declares it is not his intention to complete them or become a citizen of the United States.

The said William Thomas Colyer is an alien subject or citizen of England, was taken into custody on information and evidence furnished by agents of the Department of Justice. During his residence in his native country he was a member of the Independent Labor Party or Socialists and became a member of the Socialist Party almost immediately upon arrival in the United States. This party was absorbed by the Communist Party during the early part of 1919 (p. 5), and he admits membership and continuous activity in the Communist Party up to the time that he was taken into custody. He is a very well educated man, and during his testimony it is very evident that he takes particular pride in stating that he is familiar with the teachings and manifesto of the Communist Party, and he unhesitatingly supports them. He has been active in the Communist

Party, serving on committees, chairman of meetings, clerical work at the Communist headquarters, 885 Washington Street, Boston, Mass., contributing articles for Communist periodicals, and lecturing (p. 14). He is opposed to, and has no desire to support the Government of the United States, he is in favor of but one form of government and that is "Soviet Russia." Quote his testimony as it appears on page 7 in reply to question, "Were you ever called a radical?" Answer, "I guess so." Question. "Is it true?" Answer. "In my interpretation of the work it is practically true. My interpretation of the word 'radical' is a person—either man or woman—who wants to get at the root of evils, rather than tinkering with the symptoms." Again his testimony is quoted, page 15, as follows: "Well, Communists are just like every other set of people, I think. They would not rule out the possibility of other methods in hypothetical cases, because every sane political judgment, I think, recognizes that in the past, other methods have been sometimes necessary. No Communist that I know of professes to be a prophet and what might happen in the future would be determined, not by the wishes of the Communist, but by conditions."

MEMORANDUM TO THE COMMISSIONER GENERAL OF IMMIGRATION.

A number of exhibits have been read into the record, and in so far as they relate to him, he admits the records are correct and accepts the responsibility.

The hearing of this case has been gone into very minutely, for the purpose of determining the scope of the workings of the Communist Party in Boston and its vicinity. While this alien denies that any of the charges in the warrant are sustained, yet the examining inspector finds that said alien comes within the purview of the act of October 16, 1918, and recommends deportation.

MARTIN J. LEONARD,
Immigrant Inspector.

UNITED STATES DEPARTMENT OF LABOR, IMMIGRATION SERVICE.

Report of hearing in the case of W. T. Colyer.

Under department warrant No. 54810/209, dated December 30, 1919.

Hearing conducted by Inspector M. J. Leonard at Deer Island, Boston Harbor; date, February 8, 1920.

Alien taken into custody at Deer Island, Boston Harbor, Mass., January 3, 1920, by Inspector Chester Macomber.

Minutes taken and transcribed by Marion E. Hill.

Said W. T. Colyer, able to speak and understand the English language satisfactorily.

Said W. T. Colyer was informed that the purpose of said hearing was to afford him an opportunity to show cause why he should not be deported to the country whence he came, said warrant of arrest being read and each and every allegation therein contained carefully explained to him. Said alien was offered an opportunity to inspect

the warrant of arrest and the evidence upon which it was issued, which privilege was accepted. The alien affirming, the following evidence was presented:

Inspector LEONARD. You have the right to be represented at this hearing by counsel; do you wish to avail yourself of that right?—A. Yes; I have selected the firm of Morris Ketsoff to represent me.

Mr. Silver being present on behalf of Mr. Ketsoff, hearing proceeded:

Inspector LEONARD to alien:

Q. What is your full name?—A. William Thomas Colyer.

Q. How old are you?—A. Thirty-six.

Q. Are you married or single?—A. I am married.

Q. Where were you married?—A. In London.

Q. On what date?—A. July 12, 1915.

Q. What is your wife's name?—A. Amy.

Q. Where is she at present?—A. In the hospital, I believe.

Q. What is your address in the United States?—A. 1 Sunset Road, Wellesley, Mass.

Q. Do you keep house there?—A. We have rooms.

Q. With whom are you rooming?—A. F. H. Winchenbach. He is the owner of the house.

Q. Where were you born?—A. In London, England; that is, it is called Greater London, although it is in the parish of Winsted. The British authorities treat it as London, however.

Q. What is the business of Mr. Winchenbach?—A. I don't know; we have only had relations as to renting rooms.

Q. What is your father's name?—A. Henry Theophilus.

Q. Is he alive?—A. Yes.

Q. Is he in the United States?—A. No.

Q. What is your mother's name?—A. Caroline.

Q. Is she living?—A. As far as I know.

Q. Living with her husband?—A. Yes.

Q. What is the address of your father and mother?—A. 33 Cornwall Avenue, Church End, Finchley, London, N3, England.

Q. Was your mother ever in the United States?—A. Not that I know of.

Q. When did you come to the United States?—A. In July, 1915.

Q. Will you give me the name of the ship, please, and the exact date that you sailed?—A. It was on the *Carpattia*. She sailed, I think it was Saturday, July 17, and we arrived on July 27.

Q. At what port?—A. At New York.

Q. Which class did you come?—A. Second. They were not carrying any steerage that trip.

Q. Who accompanied you?—A. My wife.

Q. To whom were you destined in the United States?—A. We had passports and we went to a boarding house to which we were recommended by a friend. We had no definite plans.

Q. Where was the boarding house located?—A. On West Twenty-third Street, I can not tell you for certain the number. The friend, if my recollection serves correctly, was an American, and I think the number of the house has since been changed, but we had the name of the place given us and we looked it up and stayed there, I should say, about a week.

Q. Have you taken steps to become a citizen of the United States?—
A. I did in January of 1916, but it is not now my intention to proceed.

Q. What did you do?—A. I took out first papers.

Q. Where?—A. In Boston.

Q. Why have you changed your mind?—A. Because of the treatment I have received and because I have discovered that the Constitution of the United States and the Declaration of Independence and the historic speeches of Lincoln are interpreted entirely different by the authorities from any way which I could possibly imagine by reading these documents.

Q. I have here the warrant for your arrest, which, no doubt, has been shown to you before, but I will hand it to you again for your inspection and ask you if you have read it.—A. Yes; I have seen it before and have read it carefully.

Q. Do you understand it?—A. Yes; I understand it.

Q. What is your occupation in England?—A. Until I left, I was on the local government board, the English local government board.

Q. What are the functions of that board?—A. They supervise local administration; they give authorization to municipalities to raise loans, and supervise the auditing of such accounts. It also at the time attained the supervision of all public health measures in which the imperial and municipal authorities cooperated in the matter of expense of administration and it also had a number of semijudicial functions.

Q. Where was this board located?—A. In London, on Parliament Street, near the House of Parliament.

Q. Were you employed there up to the time you were booked for the United States?—A. I could not say whether I booked before I resigned or whether I resigned after I booked.

Q. Do I understand that you sent in a resignation?—A. Yes.

Q. Were you asked to resign?—A. No.

Q. Were there charges against you?—A. No. I wasn't advised to resign. I resigned because I didn't wish to be in the service of the department which I considered was being used for political purposes.

Q. Were you arrested in England?—A. Never.

Q. Why did you come to the United States?—A. Because there was no opportunity at that time for an Englishman entertaining the views that I did to obtain an economic footing. I therefore applied for a passport and received it. As I have explained, I interpreted the Constitution and other historic documents connected with the United States in a way that apparently is not recognized in this country. It was my intention to become a citizen of the United States.

Q. Were you in conflict with any English authorities before coming to the United States?—A. What do you mean by "conflict"? I didn't agree with many of the policies of the Government, but, of course, in the civil service in England one has no opportunity to express his opinion.

Q. Did you belong to any organization in England?—A. I belonged to the Independent Labor Party. It is the Socialist Party.

Q. Is it international?—A. It is a British party.

Q. Do they have any connection with socialists in other parts of the world?—A. All socialists are more or less connected, I understand.

Q. When you left London, or when you left England, did you have the address of any socialist in the United States?—A. As it happened, I did not.

Q. Was Mrs. Colyer employed at anything while in England?—A. No; we married a few days before we came away.

Q. Do you own any property in England?—A. No.

Q. Does Mrs. Colyer?—A. She has some shares, but nothing of any amount. It would not maintain her at all.

Q. Where were you taken into custody?—A. At Wellesley.

Q. At home?—A. Yes.

Q. Do you know why you were arrested?—A. Well, the warrant was read to me.

Q. Is that sufficient reason?—A. I don't think so; but apparently there are two opinions on that. That is to say, when I make that reply, I mean to say that I don't recognize these descriptions as properly applicable to the organization I belong to.

Q. Do you know why the warrant was issued against you?—A. I can only guess.

Q. What is your guess?—A. My guess is that I was a member of the Communist Party of America.

Q. When did you join the Communist Party?—A. I was passed over to it when the Socialist Party in Massachusetts became part of the Communist Party.

Q. When was that?—A. I couldn't give you the date.

Q. About when?—A. It was in the summer of last year.

Q. You can not recall the date?—A. I have no recollection of the date.

Q. How long did you stay in New York?—A. A week, I think.

Q. Then where did you go?—A. To Boston, and as there were no boats running direct, we had planned on a stop-over, but found that we must come up by the way of the Fall River Line.

Q. Where did you go in Boston?—A. To 70 Pinckney Street.

Q. Did you have friends living there?—A. No; but we made inquiries at 25 Beacon Street, as we had been previously interested in the Unitarian movement in England, and we naturally went to Beacon Street to try to locate, and they have a list which they use for these things, and we went to one or two of the people on that list. We happened to locate with these ladies at 70 Pinckney Street. To the best of my belief they were Irish Catholics.

Q. At the beginning of this hearing, you stated that you desired to affirm to tell the truth. Is there any reason for that; do you believe in a Supreme Being?—A. I did at one time. I am an agnostic about it now. It is just as binding as though I said, "So help me God," but I don't know that there is a God, and haven't any means of finding out.

Q. How long is it since you have come to this conclusion?—A. I was always a vague theist when I was a theist.

Q. After you arrived in Boston did you join any organization or party?—A. I joined the Socialist Party.

Q. Where?—A. In Park Square.

Q. What number?—A. 14.

Q. When did you join them?—A. In May, 1916, I think it was, as I recollect. The officer took my card, I believe, when I was arrested.

Q. How long after you joined the Socialist Party in Boston was it before it became a part of the Communist Party, or in whole, the Communist Party?—A. Well, that would be rather more than three years, if I am right, it being the summer of last year, and I am practically sure it would be the summer of last year.

Q. Then three years elapsed between the time you joined the Socialist Party and the time that you were taken over by the Communist Party. That would make it the summer of 1919?—A. Yes.

Q. Do you know about what month?—A. I think it was June or July.

Q. Do you know what took place that did away with the Socialist Party before formulating the Communist Party in the summer of 1919?—A. There was a majority vote of the members, after the Socialist Party of Massachusetts was expelled from the National Socialist Party.

Q. What caused this to happen?—A. It beats me to know; we never had a proper investigation.

Q. Do you know the teachings of the Communist Party?—A. Yes.

Q. Have you read them?—A. Yes.

Q. And you subscribe to them?—A. Yes. However, I don't regard the presentment of any verbally inspired document, but I render complete assent to the principles of the Communist Party as I understand them.

Q. You having read the principles and appearing to understand them, can you name any part of the program of the party or the manifesto that you don't uphold or adhere to?—A. No; I was simply protecting myself from being trapped into a particular interpretation of some special phraseology. I mean if I was on the platform committee as an individual I might suggest variations in certain wordings, but when it was passed by the majority it is beyond me.

Q. Since you have been taken into custody, have you heard anything relative to the stand of the Government or the interpretation of the Government as to the Communist Party?—A. I have seen it stated in the press that it is considered to be sufficient ground for deportation to belong to this party. I don't know whether this is true or not for certainty; some very strange things appear in the papers.

Q. Do you realize that your admission that you are a member of the Communist Party, brings you within the purview of the act of October 6, 1918, from which act the allegations in this warrant are taken.—A. I know that allegation is made.

Q. Do you realize that you are within the purview of the act of October 6, 1918?—A. I don't recognize the descriptions in the warrant as applying to the party involved, that is the particular organization which you mention.

Q. You are familiar with, you say, and you have read the manifesto of the Communist Party?—A. Yes.

Q. And you subscribe to what you have read?—A. I do to all its general principles and doctrines, I am not prepared to repudiate a word of it.

Q. After you arrived in Boston, what kind of work did you take up?—A. I endeavored to get a living by writing and lecturing.

Q. On what particular subjects did you write or lecture?—A. I lectured and wrote on international relations and on questions relative to socialistic welfare, generally.

Q. Were you ever called a radical?—A. I guess so.

Q. It is true?—A. In my interpretation of the word, it is practically true. My interpretation of the word "radical" is a person, either a man or a woman who wants to get at the root of evils, rather than tinkering with the symptoms.

Q. At the time you became a member of the Socialist Party in Boston, had you then intended to complete your citizenship?—A. Surely; I intended to do so until quite recently.

Q. Until when?—A. Well, within a short period.

Q. Within the last five weeks?—A. Well, perhaps a little longer than that.

Q. You no doubt understand the form of Government we have in the United States?—A. Well, I understand the description of it but it is anything but like the historic documents picture it.

Q. Is there any particular part of it that you are not in favor of?—A. As I have already explained, on the strength of the documents which I have read, I have a great deal of sympathy with it. That is why I intended to take out citizenship, but I am unable to follow the interpretations placed upon it by those who have the administration of it.

Q. How many times did you lecture against the form of government which England has?—A. Never.

Q. Are you in favor of it?—A. No; I am not.

Q. What would you do to change it?—A. I would endeavor to educate and propagandize the people to bring them to a condition where they would wish to change.

Q. Did you attempt that?—A. No; my position precluded any such thing. British civil servants are under obligation to take no part in politics.

Q. In the United States we have a different form, but you are opposed to that, are you?—A. I regard the United States as having what you might call a duplicate form of government—one on paper and one in practice.

Q. Is there any government which you are in favor of?—A. I think there is one government, and that is soviet Russia.

Q. Why do you think so?—A. Because it is based on the duty of all to work and upon the limitation of the right to vote to those who render service to the community.

Q. But is it being carried out or is it theoretical?—A. My belief is that it is being carried out.

Q. But you don't actually know about it, do you?—A. I know as much about it as anyone could know who resides at a distance.

Q. What have you read about it?—A. I have read some of Lenin's pamphlets. I have read many newspaper extracts, over which I have endeavored to exercise intelligent criticism. I have read some things by John Reed. I have read some of Louis Bryant's books and Bessie Beach's book on "The Red Heart of Russia."

Q. What is the paper or pamphlet that is owned and controlled by the Communist Party that spreads their propaganda?—A. I decline to answer that.

Q. Have you ever written articles for it?—A. I have written articles for communist propaganda.

Q. Did you write for a paper that represents the Communist Party in the United States?—A. Well, what paper? I decline to answer that question.

Q. I believe I touched on what you started to do for a living and after arriving in Boston you said you wrote articles and attempted to lecture. Did you do anything else besides that?—A. At that time, I didn't. That period lasted for nearly a year.

Q. Have you had any regular employment since you came to the United States?—A. Yes; I succeeded in getting an opportunity—that is, a job. This job included a good deal of editorial work and a certain amount of speaking at times and general office executive work with which I was familiar.

Q. How long have you been on the editorial staff of the Communist?—A. I decline to answer that question.

Q. Have you received any remuneration for your services on the Communist editorial staff?—A. I decline to answer that.

Q. How long have you been a writer or belonged to the editorial staff or been otherwise connected with The Worker?—A. I have no official connection with The Worker, although I have written articles for The Worker.

Q. Would you care to tell us the subject of the articles?—A. I wrote one on "Communism and womanhood."

Q. About when did that appear?—A. I guess it would be in December. I wrote one not long distant from that on "The anniversary of the Bolshevik revolution in Russia." I also wrote an article on the situation and the outlook in England.

Q. Those are subsequent to December, 1919?—A. I think so.

Q. In other words, I interpret that the first articles you mention were written in December, 1919, and those others are subsequent to that?—A. I would not be sure whether they are chronological or not.

Q. How long have you been in the Communist school movement in Boston?—A. What do you mean? As a matter of fact, I never had time to be active in it at all. I have never taught in it.

Q. Where is it located?—A. I decline to answer.

Q. When was it established?—A. I decline to answer.

Q. Were you a teacher in it?—A. I decline to answer.

Q. Did you lecture there?—A. I decline to answer.

Q. What is the purpose of the school?—A. I don't recollect. I guess you will find notices in some of the publications of the Communist Party which have been under observation. I could not give you offhand a definition.

Q. What is necessary for children to be admitted to the school?—A. I don't know.

Q. Did you ever hear?—A. No; not that I know of.

Q. How long have you been employed at 885 Washington Street, Boston, the headquarters of the Communist Party?—A. You mean for money?

Q. Yes.—A. I haven't been employed there at all for money.

Q. How long have you done work there without remuneration?—

A. While I was a member of the Socialist Party, but the Socialist Party moved its headquarters to that address, and it is my practice, when a member of an organization, to take a more or less active part in any offices that I have been elected to. I couldn't give you the dates, but I have been going along the same way ever since I joined the movement.

Q. When the Socialist Party was taken over, or when it became a part of the Communist Party, was the transfer made on vote?—A. As I recollect, by a majority vote.

Q. And that majority vote was to align themselves with the Communist Party?—A. Well, as I recollect at that moment the Communist Party of American was not in existence. It was decided to form a new party in Massachusetts.

Q. When did the Communist Party come into existence?—A. I could not, I am sure, attempt to give you the exact date, but it was in the fall of last year.

Q. About September 1, 1919?—A. I think it was early in September.

Q. Where was the convention held?—A. I decline to answer.

Q. You know that it was in Chicago?—A. I decline to answer.

Q. You know your Boston branch sent delegates to Chicago?—A. I decline to answer.

Q. Has any program or manifesto, as a result of the Chicago convention, been promulgated?—A. I decline to answer.

Q. Did you ever see one?—A. I decline to answer.

Q. Did you ever live at 101 Forest Hills Street, Jamaica Plain?—A. For a short time.

Q. Was that previous to the time you went to Wellesley?—A. Yes.

Q. Then, I have here a membership card of the Socialist Party, in the name of W. T. Colyer, 101 Forest Hills Street, Jamaica Plain, admitted June 15, 1916. This is introduced as evidence in your case and marked "Exhibit No. 1." I pass this membership card to you, and I ask you if it is yours?—A. Surely.

Q. I have here another membership card in the name of W. T. Colyer, 1 Sunset Road, Wellesley, signed by Minnie Federman, secretary, address 885 Washington Street. I introduce this as evidence in your case and mark same "Exhibit No. 2." I pass this to you and ask you if it is yours?—A. Yes; it is mine.

Q. I have here a membership card in the Communist Party of America in the name of W. T. Colyer, 1 Sunset Road, Wellesley, E. P. Hutchins, secretary, 885 Washington Street, and on the back of the card appears the following record: "Transfer record: Socialist Party—Date admitted, June 15, 1916; date withdrawn, August 28, 1919; local, Boston, Mass.; branch, Central; secretary, E. P. Hutchins. Communist Party—Date admitted, August 28, 1919; local, Boston, Mass.; branch, Central." I will pass this to you and ask if it is not yours, and if this book doesn't clear up the matter and show the exact date that you became a member of the Communist Party.—A. Yes; that is mine, and it fixes the date.

Q. And that record of the secretary should be correct?—A. I think that the card correctly represents the facts.

Q. Referring to the school that I spoke about a few minutes ago, wasn't it known as "the Boston School of Social Science"?—A.

What school is that? My answer to that would be that the "Boston School of Social Science" is an entirely independent organization with nothing to do with the Socialist Party or the Communist Party.

Q. Then I infer from that that there is still in existence a school that relates wholly to the Communist Party?—A. On that I could not say definitely, because I am not familiar enough with the organization of schools that existed unquestionably for the promulgation of communism, neither am I prepared to admit that such schools actually existed as party organs.

Q. When the transfer was made from the Socialist to the Communist Party, what sort of an application did you sign? Was it a blank application or individual?—A. In my mind, it seems that I signed an individual application.

Q. The transfer, then, was made by a majority vote?—A. To the best of my recollection.

Q. And you were among the majority at the time the vote was taken?—A. I was.

Q. Some time ago, I don't just remember the date, there were resolutions formed and adopted at a meeting of aliens, and the last resolution reads as follows: "We demand that if we are not permitted to remain in this country, we be turned over to the jurisdiction of L. A. K. Marten, representative of the Socialist Federation Soviet Republic, for transportation to that country." Did you have anything to do with the forming of that resolution?—A. My recollection is that I helped to put it into what I would call clear English.

Q. Were you present at the meeting at which it was adopted?—A. Yes.

Q. Were you in favor of that resolution?—A. Yes; I am.

Q. In the event that it is possible that you be deported in conformity with the law, where do you wish to be sent?—A. My understanding was that the law provides for deportation to the country from whence the alien came.

Q. Is that correct?—A. Yes; it is absolutely correct.

Q. Your wife has stated that she is willing to be guided by your decisions and abide by your wishes absolutely?—A. Yes; I understand that she is willing to go that way, and my feeling is that, if I am not transferred to Soviet Russia, I don't care particularly to what port the immigration authorities send me. That, I take it, carries with it the expression of my wife's sentiments. That is, advantage will not be taken of this answer to treat her one way and me another.

Q. No; your wife has agreed that your decisions are satisfactory to her. Do you understand what is meant by the "left wing" of the Socialist Party?—A. I can not now. I have sort of an impression, and it is only an impression of an outsider, that it is still an organization or a body that describes itself in that way, but exactly what it stands for, I do not know.

Q. Don't you know that the name "left wing" was given to that particular part of the Socialist Party that became a unit of the Communist Party?—A. Yes; I heard that.

Q. Isn't that a fact?—A. Yes; it is true that the Communist Party was mainly formed by the left wing of the Socialist party.

Q. Then, if I said that I was a member in good standing of the left wing of the Socialist Party up to December 31, 1919, I would

be a "comrade" or member of the Communist Party, would I not?—A. Not as I understand it. For one thing, the left wing is not a dues-paying organization. It was a conference.

Q. Were there not special sums provided for those who were members of the left wing and who desired to pay their dues up to December 31?—A. I don't know about that.

Q. I find a stamp in your book which bears the address of 101 Forest Hills Street, Jamaica Plain, marked "Exhibit No. 1" "special party building, antimilitary assessment, 25 cents." What is meant by that?—A. I can't remember the exact circumstances under which it was issued. It was clearly a stamp issued by the party and one was purchased by me for 25 cents as a member of the organization.

Q. Do you know what you contributed the 25 cents for?—A. I did know at the time, but I can not carry the recollection in my head of every 25 cents that I spend.

Q. In reading that stamp, doesn't it bring to your mind what the assessment was levied for?—A. No. Possibly it was for the purpose of erecting a building somewhere, perhaps for a campaign to prevent the United States from becoming Prussianized.

Q. Was the draft on in England when you left for the United States?—A. No; it wasn't. In fact, the Government did not intend to introduce any such measures at the time.

Q. Do you know the history of the draft in the United States?—A. Yes; I registered under it.

Q. Were you opposed to it?—A. What do you mean? I took no legal measures.

Q. Did you speak against it?—A. I took part in certain meetings prior to the legislation being introduced, expressing an opinion that such legislation wasn't for the best interests of the people, but I did nothing of a legal character.

Q. Did you express these opinions after the act was passed?—A. No. As nobody did anything to me, I didn't. My recollection is that the utmost to which I went was the right that I maintained to educate to the repeal of laws which seemed to be against the public interests, but I haven't any recollection of speaking on the subject after the law was in the lower form. I realize that is one of the phases of the situation that is bound to have different interpretations.

Q. Where did you register?—A. In Wellesley. I think I can present my registration card.

(Alien presents registration card in the name of William Thomas Colyer, Sunset Road, Wellesley, Mass., September 12, 1918, Local Board, Division No. 33, Needham, Mass.)

Q. Do you know who headed the Left Wing Party in September or the latter part of August?—I don't.

Q. Did you ever hear?—A. I never heard of that character believing in leaders.

Q. You know that you mentioned John Read of New York?—A. I mentioned him as being the publisher of a book.

Q. Don't you know he was the leader of the left wing at Chicago last year?—A. I don't recognize any leaders. That would be the attitude of the overwhelming majority of persons in the left wing of the old Socialist Party as I understand it. They regard the organization as paramount.

Q. But isn't it necessary to have some one person bring the objects of the convention before the convention? It isn't left to everybody on the floor to do that, is it?—A. You could get an act under way by committee action and instruction of delegates.

Q. Were you in Chicago at that convention?—A. I decline to answer.

Q. Were you in Brooklyn, N. Y., in July of last year?—A. No; I don't think I was in New York. If I was it was not in connection with political affairs.

Q. How many times have you been in Chicago?—A. Once.

Q. What year was that in?—A. May, 1918, also not on political business.

Q. Did Mrs. Colyer accompany you to Chicago?—A. She did.

Q. I will call your attention to the following: "The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalistic rule; the acquirement of political power by the workers. The workers shall own and control the factories, land, mills, mines, transportation systems and financial institutions. All power to the workers." Did you ever hear that as part of the Communist or the Communist Labor Party platform?—A. I may have heard it; I am not a member of the Communist Labor Party and I could not recognize it off hand.

Q. Do you subscribe to such teachings or such part of the program as that?—A. It seems to me the sentiments expressed are fundamentally sound.

Q. Do you approve of them?—A. I am in general sympathy with them.

Q. Isn't it a fact that you have lectured and written on just such matter as that since you have been in the United States?—A. What do you mean by lecturing or writing? I have lectured and written advocating communism.

Q. I mean being specific in your lectures, such as I have read here. For instance, referring to the workers as the ruling class, haven't you lectured in that manner and written on those subjects?—A. Yes. I have advocated those things since being in the United States.

Q. How would you accomplish that?—A. Well, by educating the service-rendering class to the point at which they would be prepared to organize themselves as a ruling class. At present they are governed by small political gangs and broken up at will so that they never attain political power as a unit and my idea is if they realized the economic conditions and industrial conditions under which the world is carried on, they would organize as a class unit, in which case I believe they would be sufficiently numerous and powerful to organize industry and government for their own interests.

Q. But supposing that method proved too slow, has communism thought of any other way of bringing it about?—A. Well, Communists are just like every other set of people, I think. They would not rule out the possibility of other methods in hypothetical cases, because every sane political judgment, I think, recognizes that in the past, other methods have sometimes been necessary. No Communist that I know of professes to be a prophet and what might

happen in the future would be determined not by the wishes of the Communist, but by conditions.

Q. Isn't it a fact that Communists advocate revolutionary means to accomplish their purposes, when other means might accomplish that purpose and when I say "revolution" I mean revolution in the form of force and violence?—A. I don't think there is any doubt but what in some parts of the world, in necessity, force has been used by Communists to give effect to ideas. The same is true of the American Revolution and the French Revolution and every other revolution in the history of the world, but I am not aware of any Communist who has advocated for revolution in the United States. There are many people in the United States—outside Communists—who are and have been in favor of violence and you are not forced to look into history for these; it is a question of conditions. If they happen to take a bloody form which they didn't intend to do, that is determined by conditions and not individuals from my point of view and from the Communist point of view.

Q. If that is some of the teachings of the Communist Party to-day, and you have admitted membership in the Communist Party, if it is found necessary to adopt that particular action, the so-called "mass action," do you assume your part of the responsibility as a member of that party?—A. Mass action—that is not necessary and it is not as I understand it at all associated with violence. Mass action is something entirely distinct from revolutionary violence. It means the mobilization of the unorganized workers on their own initiative and in support of organized groups, who may by taking action for the cessation of work, react to the advantage of all. That is what I understand by mass action. It has no connection, in my mind, with force or violence.

Q. Then considering mass action, do you assume the responsibility that is yours by being a member of the Communist Party, if strikes became broadcast of unorganized workers throughout the United States?—A. I don't see that any special responsibility is attached to a member of any organization. However, I would certainly, should the condition arise where I could be of any service, I would certainly do my part toward directing things into what I considered the most hopeful channels. Of course, I am not quite sure of what you want me to bring out.

Q. Well, it is a well-known fact that communism, among its many doctrines, teaches so-called "mass action" as you have described it; strikes all over the United States or perhaps all over the world, by unorganized people. The result of those strikes, judging by what has already taken place in conflicts of that kind, may be disastrous to the community. Do you accept the responsibility coming from such strikes?—A. I would not admit that such strikes might be disastrous to the community. They might be of special interest.

Q. You being a member of the Communist Party, and they favoring such movements, would you accept your responsibility, pay your dues, and adhere to your membership in the party?—A. I would be in favor of supporting mass action.

Q. Coming to the revolutionary or bloody conflict, if such were found necessary or had taken place, do you assume your responsibility as a member of the Communist Party in such action?—A. I

don't quite understand the question. Is it desired to ask me if I consider a member of the Communist Party as responsible for any violence that might occur or any struggle which the Communist Party favors. It seems to me that no member of the Communist Party seems to incur such responsibility.

Q. Doesn't the Communist Party teach with regard to certain objects which they set out to attain—for instance, the overthrow of capital, if this can not be accomplished by peaceful methods, they would try other methods. Isn't that part of the doctrine of the Communist Party?—A. I have never heard it put quite that way.

Q. Have you heard it meaning the same?—A. No; never. I have heard it put in a way which I believe would be as follows: In the event of the cessation of industry, and an effort being made by the reactionary forces such as has happened in Pennsylvania, with the attempt to shoot down women and drive men into their own homes in defiance of law and order and arresting attorneys who endeavored to come down to answer affidavits, it would in some cases be necessary for individual citizens to exercise their rights under the Constitution, to protect themselves from the brutal outrages which might be attempted under the guise of law and order.

Q. Would you be one of the citizens to take the law in your own hands?—A. I would be extremely reluctant to, but I would not answer for what might happen. Supposing some person hired by the Steel Trust should attempt—

Q. How would you determine whether they are hired by the Steel Trust?—A. Well, I think the evidence would have to be strong. Let us say that some person without any proper warrant endeavored to knock my wife down in her own kitchen. I would not attempt to say that because that person happened to be wearing a particular kind of uniform that I would stand by and smile on that account.

Q. Don't you think you are going too far?—A. Well, that is what positively happened in the Pennsylvania strike. People's homes have been invaded and they have been beaten up.

Q. You have no proof other than what you have heard or read, have you?—A. Well, I have read it from more than one source.

Q. Do you believe in the law and order of the courts?—A. Of the right sort.

Q. What is that?—A. A law and order that holds between individuals.

Q. Who is to judge that?—A. Well, I think that public opinion in the community should be the last court of appeal in that particular matter; otherwise, it would be possible for any lawless ruffian to shoot up the community while they were waiting to appeal to the courts. There comes the point where the individual must decide, as the court action is too slow. In breaking up a lynching, for instance, it would be practicable, in order for a citizen to save a man's life, if he saw a chance of succeeding or organizing a group to break it up.

Q. Do you believe in the jury system?—A. I don't believe the present system works fairly.

Q. Is there any part of the United States Government to-day that you believe in?—A. Yes; there is a clause in the Constitution that provides that when the people so desire they can change the law.

Q. That is all?—A. I would not say that; I haven't the Constitution before me.

Q. Aren't you familiar with the form of Government which you are enjoying in the United States?—A. I am more or less familiar with the laws which are in operation in the United States.

Q. Is there any part of them which you are familiar with that you are satisfied with?—A. Well, I am entirely satisfied with a free press, free speech, and free assembly; that is, I am satisfied with these as represented on paper, but I am not satisfied with the interpretation placed upon them.

Q. By the interpretation put upon the laws by whom?—A. By the regular representatives of the people, by the persons who have control of the political machine. I don't, I will say frankly, I don't regard the existing scheme of things as satisfying the paper requirements of the Constitution, although some forms are kept up. I think, for instance, the Tague-Fitzgerald affair indicated clearly the nonexistence of a living democracy. Whatever may be the outcome of these things—they have fallen into the hands of a group of men who have made politics their life study, and if one would devote themselves to such a life study and division of politics, then perhaps it would be possible to become a Tague or Fitzgerald. In this way they seem able to get what they want under the Constitution. If they decide they want a particular thing, they can have it. I suppose a good many people in the United States would like to abolish such a thing, but a number of old gentlemen in Washington, whom I think I am right in saying have a doubtful status as to their right to declare, they say it is constitutional, and, of course, this should be regulated through the interstate commerce. I know also that an amendment to the Constitution gives, you all know, the Negro of the South the right to vote to some extent, and how much is it exercised? There are lots of these things which I approve of on paper, but under the existing laws they are not given the proper interpretation.

Q. Then, if that is so, according to your system, the Communist Party hopes to change things by education?—A. Not to change things or conditions, but to have education until such conditions arise.

Q. Well, even at that, aren't you missing a great deal by not desiring to complete your citizenship and assisting in this education, in order that these things may be brought about?—A. I don't think I can be of use. I think the United States Government has rendered it a practically economic impossibility for the one kind of work for which I have been trained. To be sure, I could get a rough worker's job, but I doubt my ability to find an economic foothold, whether I am innocent or guilty.

Q. I have here, which I will introduce as evidence in this case, marking same "Exhibit No. 4," affidavit made by special agent of the Department of Justice, signed by Walter B. Poole. [Questionnaire introduced as evidence in this case, marked "Exhibit No. 5." Showing same to alien.] Is that your signature at the bottom?—A. Yes; that is all right.

Q. I have here a paper called the Communist, which is introduced as evidence in this case and marked "Exhibit No. 6." On part of the second page will be found "Call for national convention for the purpose of organizing the Communist Party of America." This is dated Saturday, July 19, 1919. Is it yours?—A. I guess so.

Q. Have you read this paper?—A. I will not swear that I read every word of it, but I looked it through, unquestionably.

Q. Then you are familiar with the principles of the Communist Party of America as set forth therein?—A. I should be.

Q. I have here another Communist, which is combined with the Revolutionary Age, under date of November 8, 1919, Chicago, Ill. The first page has for a heading: "The State—Strike breaker." This is introduced as evidence and is marked "Exhibit No. 7." Is it yours?—A. Oh, yes; I guess so.

Q. Are you a contributor to this paper in money or articles?—A. I decline to answer.

Q. I have here another copy of the Communist, combined with the Revolutionary Age, dated September 27, 1919, at Chicago, Ill., which I will introduce as evidence in this case, marking same "Exhibit No. 8." Is this yours?—A. I guess so.

Q. Is there any article in this paper which you have written?—A. Not that I know of.

Q. I have here another copy of the Communist, which is dated November 15, 1919, Chicago, Ill., which I will introduce as evidence in this case marked "Exhibit No. 9." Is this your property?—A. Yes; it was until it was taken from me.

Q. I have here another copy of the Communist, combined with the Revolutionary Age, which is dated November 22, 1919, Chicago, Ill., which I will introduce as evidence in this case and mark same "Exhibit No. 10." The first page contains an article called "Reaping the whirlwind." Is this yours?—A. What? The article or the paper?

Q. The paper, I mean.—A. Yes; the paper is mine.

Q. Is the article yours?—A. No; it is not.

Q. I have here a copy of the Communist which is dated November 29, 1919, Chicago, Ill., which is introduced as evidence and marked "Exhibit No. 11." On the first page is a picture of the Third International at Moscow. Is this yours?—A. Yes.

Q. What do you understand about the Third International?—A. I understand its code by the parties who sympathize in general terms with the principles that the Communist Party of Russia is endeavoring to put into force in the country of Russia.

Q. I have here The Worker under date of November 1, 1919, which is introduced as evidence and marked "Exhibit No. 12." On page 8 of this paper it reads: "The duties of the local labor committee shall be: to carry on Communist propaganda among the workers in the shops, mills, mines, and industries. To organize shops committees in the industries, composed of members of the party, who shall distribute literature, notify their fellow workers of prospective educational meetings, carry on general agitation, supply information as to the details of their respective industry to the local labor committee, who shall in turn pass this information on to the central labor committee. Shop committee shall at all times maintain contact with

the Communist Party. The purpose of the above program being to consolidate and unify the activities of the Communist Party and its propaganda with relation to the rank and file of the workers on the job and to prepare them for united action." Are you a member of the committee mentioned?—A. I wasn't, but I would have been if I had been in position to take the kind of action that is mentioned effectively.

Q. Then you are not a member of that committee?—A. No; but I would have been glad to be, if I could have rendered service.

Q. You know there is such a committee?—A. Well, it is so stated there.

Q. Do you know whether or not you were suggested for membership on that committee?—A. No; I don't.

Q. On page 15 of "Exhibit No. 12" we find the following: "Secretary's report, adopted by the general membership meeting of Communist Party of Greater Boston. The internal strife within the left wing movement has affected the activities of the local, for the last three months, to a considerable extent. Although 18 branches were under the jurisdiction of the local, the regular dues were received only from six branches. Activities of the local. Nevertheless, central committee spared no effort in keeping the red flag flying and communist propaganda was carried on continuously. Not less than 50,000 leaflets have been distributed in shops and factories and from house to house. Before the police strike, street meetings were held regularly on Mondays and Saturdays, and Sunday meetings on Boston Common. Also five hall meetings have been held, which, although they were not very well attended, helped to keep the members active. Especially Ruthenberg's meetings contributed much to this effect. The few active Boston branches are also entitled to the credit that they were the chief supporters of the State office and the New England Worker. Donations amounting to several hundred dollars have been made by some branches, and the central committee has loaned the State office \$450 for the special police strike issue of the New England Worker. Branches: In July, 1919, Boston local consisted of the following 18 branches: Allston Finnish, Central, Estonian, German, Hyde Park, Lettish No. 1, Lettish No. 2, Lithuanian No. 60, Lithuanian No. 162, Mattapan, Roxbury, Roxbury Jewish No. 1, Roxbury Jewish No. 2, Roslindale, Russian No. 1, Russian No. 2, West End Jewish, South End Jewish. Since then Allston Finnish branch has left the local and Roslindale branch was disbanded. As per instructions of central committee the secretary sent a communication to the following 24 branches inviting them to join the local: Belmont, Cambridge Polish, Chelsea Jewish, Mattapan, Mattapan Jewish, Newton, Norwood Finnish, Revere, Revere Jewish, Quincy Finnish, Quincy Scandinavian, Dorchester Scandinavian, Quincy Jewish, Winthrop, Waltham, and Watertown. In the near future the Boston local will consist of about 40 branches with over 2,000 members." On the same page, appears this paragraph: "Communist school for adults. The executive committee is also planning to establish a Communist school for adults which will meet every first and third Monday nights at the headquarters. The purpose of this school will be to teach the members the principles of communism and also to interest them in the study of Marxian economics and to develop their ability as communist

propagandists and agitators. Comrades Colyer, Sidis, and Resnick have been appointed directors of this school." When were you appointed, Mr. Colyer?—A. I wasn't told until some time after that; I couldn't give you the date.

Q. About when was it?—A. I think it was informally by conversation. I couldn't even give you an idea of the date.

Q. Which one of the three members who appear here was elected chairman of the committee or the directors?—A. That I can not say. I am not sure that I ever attended a meeting.

Q. Does the expression refer to you or your wife when it says "Comrade Colyer"?—A. I rather guess it refers to me.

Q. Is this paper yours?—A. Oh, I guess so.

Q. On page 16 of this same exhibit, Exhibit No. 12, appears a list of locals. Will you kindly look at this and see if it is correct [handing paper to alien]?—A. If it wasn't correct, it would not be there. I can not tell personally whether it is correct or not.

Q. Have you visited any of the locals mentioned on the back of page 16, which I have just showed to you?—A. I might have.

Q. In an official capacity?—A. No.

Q. Did you ever deliver any lectures at any of them?—A. No.

Q. You were scheduled to speak in Worcester. Comrade Ellis, I believe, gave you the invitation. Did you speak there?—A. I have spoken there. I spoke there for the Communist Party once.

Q. What was the subject of your talk?—A. I really could not say; but I think it was industrial democracy.

Q. Did you read from a prepared speech?—A. I could not possibly read from a prepared speech in the open, because it goes against the grain anywhere.

Q. Have you spoken in Worcester in a hall?—A. I did three years ago; about the high cost of living, I think.

Q. Not since then?—A. I have no recollection of it; I couldn't say that definitely. Don't take that as a distinct affirmation that I have not. I really don't think I have, though, because I can not recollect it.

Q. I have here a copy of the New England Leader, dated Fitchburg and Boston, Saturday, June 10, 1919, and addressed to you at No. 1 Cravit Street, which I will introduce as evidence in your case, marking the same "Exhibit No. 13." Special attention is called to the first page, the heading of an article reading as follows: "Massachusetts Socialist convention adopts 'left wing' program—Nominates Bramhall, Lawrence strike leader, for governor—Raises \$2,500 campaign fund—Elects delegates for 'left wing' convention—Chooses Boston for 1920 convention." In this paper we find that you were elected secretary, 99 to 46. Is that correct?—A. Yes.

Q. How long did you serve as secretary?—A. Well, the whole time of the convention; I forget how long the convention lasted, but I think it was three days.

Q. Among other items in this article we find the following: Resolution No. 1 was adopted, as follows: "The Socialist Party in Massachusetts, in convention assembled, regards the general strike of the workers of Winnipeg and Toronto as one of the increasing skirmishes in the great struggle of the working class against their bru-

tal exploiters and oppressors, the capitalists, now being waged in all the countries of the world. This strike is a school of revolutionary practice for the Winnipeg workers; but it is much wider in significance as a tremendously important example to all the workers of Canada and all other countries. It gives encouragement and invaluable assistance to our comrade workers of Russia, to Communist Germany and Hungary; it provides stimulus and inspiration to the working-class struggle all over the world. The Winnipeg strike, moreover, proves that the old passive strike is dead; that it can not break the power of the capitalist, and that the strikes of the workers must become general, adopting more militant tactics against capitalism. It demonstrates, moreover, the utter bankruptcy of capitalism and shows the urgent necessity of the working class of the whole country to use the general mass strike against decayed capitalism and its state, inaugurating the government of the industrially organized workers and councils, with full control of all industries by the working class." This set of resolutions is followed by others, which are called to special attention. I will ask you if that particular resolution that I have read came under your supervision as the secretary?—A. I remember the general substance of that resolution, but I don't see anything that would lead one to take exception to the wording.

Q. Then you are not opposed to the resolution?—A. Oh, surely not. I will read from page 3 of extracts from the Communist Party as follows: "The Communist Party is the conscious expression of the class struggle of the workers against capitalism. Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism, and the destruction of the bourgeoisie state. The Communist Party prepares itself for the revolution in the measure that it develops a program of immediate action, expressing the mass struggles of the proletariat. These struggles must be inspired with revolutionary spirit and purposes. The Communist Party is fundamentally a party of action. It brings to the workers a consciousness of their oppression; of the impossibility of improving their conditions under capitalism. The Communist Party directs the workers' struggle against capitalism, developing fuller forms and purposes in this struggle, culminating in the mass action of the revolution."

Q. You are no doubt familiar with what I have read. Do you subscribe to it?—A. I do, as I understand it.

Q. I will introduce as evidence in this case, marking same "Exhibit No. 14," the C. C. C. minutes of February 11, 1919. "The meeting was called to order at 8.10 p. m.; chairman, Comrade W. T. Colyer. Moved that we indorse the left-wing manifesto. Amendment that we appoint committee of 10 to submit program to special membership meeting. Amendment passed. Fraina, Jansen, McAlpine, Maurin, Bloom, Mack, Levine, Hedrick, Brachman, Colyer elected. Fixing of date of special membership meeting laid over to next meeting. Moved to send Fraina to New York meeting next Sunday. Amendment, two delegates; carried. Fraina and Mack elected. Moved that C. C. C. engage Hansen to go to the Lawrence strike to represent us, and give credentials to Cosgrove." I call your attention to these minutes; what have you to say about them?—A. I don't want to raise any objections as I don't carry these things in detail in my mind, and therefore I don't wish to raise any objections.

Q. Have you noticed the stamp or seal on the right-hand side?—

A. Yes; that of the Socialist Party.

Q. Your wife has testified to the effect that she has typewritten for you; is that so?—A. Oh, yes; she has typewritten lots of things.

Q. I will also introduce as evidence in this case, marking same "Exhibit No. 15," the C. C. C. minutes of February 18, 1919, paragraph which reads as follows: "Committee of three—Lasman, Sidis, and Nenonen—was elected to suggest indorsements of nominations for State executive committee about to be elected. Their report was accepted and the following seven were indorsed: Chester Bixby, W. T. Colyer, Julius Cornell, Louis Henderson, Charles Jansen, Frank Mack, William Sharpshooter." Also the next paragraph: "Left-wing manifesto committee reported. Date for special membership meeting for discussion of this manifesto, at Dudley Street Opera House, to be fixed by executive committee." Were you elected at that time on the State executive committee?—A. Yes; I was elected, but owing to a provision of the constitution that not more than three members may come from any one county, I was unelected.

Q. Who were the two members who came from your county?—A. I couldn't say.

Q. I will now read from the minutes of the general membership meeting, March 30, 1919, which I will introduce as evidence in this case, marking same "Exhibit No. 16." Paragraph 2: "From W. T. Colyer, suggesting the election of a committee to take up with the new State committee the question of making the Revolutionary Age the organ of the State. Moved to accept. Amended to lay over until after the report of the Revolutionary Age board. Amendment carried." Do you remember making that suggestion?—A. I do.

Q. I will now read from "Minutes of general membership meeting, April 27, 1919." This is introduced as evidence in this case and marked "Exhibit No. 17." Among other paragraphs on the second page, appears the following: "Moved to nominate delegates at this meeting and to initiate a referendum vote. Carried. Amendment to ask the branches to vote at their branch meetings was lost. The following were nominated: Fraina, Henderson, Klaver, Maurin, Colyer, Aronoff, Jansen, Zelms, Sahlitz, Jurgis, Brey, Rihonef." Where the name "Colyer" appears, is that meant for you?—A. Yes.

Q. I will introduce as evidence in this case, marking same "Exhibit No. 18," "Minutes of meeting on May 27, 1919." I will read a paragraph on page 2, as follows: "The strike committee, left-wing committee and May Day committee were all to be asked to report at the next regular meeting. Submitted by Amy Colyer, assistant secretary pro tem." Do you know anything about that part of the record?—A. Well, I don't unless I was on one of those committees. At any rate I would not identify the left-wing committee, but I think I may have been on that committee. I wasn't on the May Day committee, and I don't think I was on the strike committee.

Q. I will introduce as evidence in this case, marking same "Exhibit No. 19," "Minutes of general membership meeting of June 29, 1919." The following appears: "Moved that a committee of three be elected to reply to the action of the N. E. C. in a statement for publication in the socialist press. Carried. Comrades Henderson, Golosov, Goldberg, and W. T. Colyer elected." Is that correct?—A. I was elected; I know that.

Q. Is it not a matter of fact that the records above the signature of Amy Colyer, assistant secretary, are found to be correct?—A. I have always found them to be so.

Q. We have been bringing out in evidence, relative to the methods of the Communist Party to attain an end, and I want to read the following and have it incorporated in the records, and will ask your opinion after you have heard it read: "It is apparent that the Communist Party does not seek to attain its objects through parliamentary machinery of this Government (meaning the Government of the United States). That is made sufficiently clear by the following extract from page 15 of the manifesto: 'Parliamentary machinery, in the general struggle of the proletariat, is of secondary importance'; and, again, on pages 9 and 10 of the same document, 'In those countries where the conditions for the workers' revolution are not yet ready, the same process will go on. The use of parliamentary, however, is one of secondary importance'; and, further, on page 10, 'Parliamentarism of the Communist Party prevails, and the proletariat must be mobilized against the capitalistic movement.'" I wish you to answer whether or not you agree with these sentiments as read to you.—A. I entirely agree with them as I understand them. However, the Communist Party, as I understand it, is entirely willing, if it can be done, to obtain their objectives by political action of an entirely different character from that of any other party. That is to say, the communist representative's business is to go, provided he gets elected, and in his vote represent the majority of the people who elected him. His duty is to assume no responsibility for anything and simply to utilize his position for the purpose of exploiting the inefficient existing method of administration to modern conditions, and if possible to assist in securing the election of a sufficient number of others who think the same as he does until they themselves can assume responsibility, in which case their first action would be to introduce such drastic amendments into practically every existing institution as to constitute a revolution. I personally think if that method can be made successful it is the best theme or method so far, and, of course, the situation to be handled properly. This method would have to be tested out if employed.

Q. I have here the record of a meeting of the directors of the proposed communist school for adults. Do you identify it [showing same to alien]?—A. Yes; I have read it, and it brings to my mind the fact that I did go to the extent of attending one meeting. I had a lot of things on my mind at the time.

Q. I have here another communication signed by yourself, dated October 19, 1919, Boston, Mass. Do you identify it?—A. Yes.

Q. Now, summing up and reviewing all the evidence, adduced by your replies to the questions, does it not show first that you are a member of the Communist Party, and secondly, that as a member of the Communist Party, that you have been very active?—A. It is true that I am a member of the Communist Party which I have not denied and I think it shows that I am and have been willing to take such responsibility as has been placed upon me by members of that organization. That has always been my duty.

Q. The warrant for your arrest as you have read it, shows that a hearing has been given you to enable you to show cause why you

should not be deported in conformity with the law. In addition to the evidence already brought out, have you anything further to say as to why you should not be deported in conformity with the law?—A. I have this remark to make; that I don't regard the description in the warrant as applying to the Communist Party.

Counsel to ALIEN:

Q. Will you read that warrant once more. Do you care about answering to those charges?—A. I simply reply that there is no organization with which I am familiar which entertains the things herein stated, for instance the belief in the overthrow by force or violence of the Government of the United States or the opposition to all forms of law. This does not apply to the Communist Party. This seems nonsense.

Q. Then you do not subscribe to such teachings?—A. Of course I don't.

Inspector LEONARD to ALIEN:

Q. In the event that it is decided that your wife and yourself should be returned to the country from whence you came, and I mention your wife in this as I have already told you that she acquiesces to your preference, have you any preference as to which place in England you shall be sent?—A. No.

Q. Do you desire to be returned to England?—A. I don't desire to be deported. It is my intention to return, whether I am deported or not.

Q. Are all your personal effects at the address in Wellesley which you have given us?—A. I don't know whether friends have removed them or not. Of course some have been stolen in transit.

Q. In case you are to be deported and returned to the country from which you came, is there any friend of yours with whom the immigration authorities might get in touch, so that all your effects may be collected and returned to you?—A. There is no objection, I take it, to our making these arrangements on our own account?

Q. None whatever. Just what would you care to do?—A. If deported, would we be allowed to carry cases of books and things of that kind? It has been stated that persons deported are allowed to take only what they carry in their hands. Is that true?

Q. No; that can be adjusted when the time comes. Have you any money in the bank? That is in the United States?—A. I am in possession of a check book. I don't know whether the old check books were taken by the Department of Justice. If they were left, presumably our friends have them.

Q. Do you want to see to the return of these things personally or do you want the immigration people to do it?—A. I don't want the immigration authorities to touch anything of mine.

Description: Height, 5 feet 10 inches; weight, 140 pounds; eyes, hazel; complexion, dark (black beard); hammer toe. Bail fixed at \$10,000.

SUMMARY AND FINDINGS.

William Thomas Colyer, 36 years old; can read and write; married; wife, Amy Colyer; United States address, No. 1 Sunset Road, Wellesley, Mass.; born in London, England; citizen or subject of

England; arrived in the United States July 27, 1915, per steamship *Carpathia*, Cunard Line, port of New York. Obtained first citizenship papers January, 1916, at Boston, Mass., but now declares it is not his intention to complete them or become a citizen of the United States.

I find that the said William Thomas Colyer is an alien, citizen or subject of England; that he was taken into custody on information and affidavits furnished by agents of the Department of Justice; that he was a member of the Independent Labor Party, or Socialists, in England and became a member of the Socialist Party almost immediately upon arrival in the United States, this party becoming the so-called "left wing," which was taken over and became a part of the Communist Party during the early part of 1919; that he admits membership and continuous activity in the Communist Party up to the time that he was taken into custody; that he is familiar with the teachings and manifesto of said Communist Party and unhesitatingly supports them; and that he has written communist propaganda. I further find that this alien comes within the purview of the act of October 16, 1918; that he is a member of, or affiliated with, an organization that advocates the overthrow by force and violence of all forms of law; that he is a member of, or affiliated with, an organization that teaches opposition to all organized Governments; that he is a member of, or affiliated with, an organization that entertains opposition to all organized Governments; therefore, after considering all the evidence in the case, I recommend that he be deported in conformity with law.

NOTE.—Alien's wife, Amy Colyer, is now in custody, under the same conditions as her husband, William Thomas Colyer. Mr. Colyer stated that his friends, if he is to be returned to England, will attend to his personal effects and he is not particular which place in England he is sent to.

MARTIN J. LEONARD,
Immigrant Inspector.

9, 1919
1919

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